JFK: Bitter Memories of a Cold Day *Gerald Clarke*

THE NEW REPUBLIC

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A Journal of Politics and the Arts — January 16, 1971, 50 cents

Replacing The Draft

Jonathan B. Bingham Argues for a Limited National Service System

Notes from a Nightmare —*John Osborne*

Theater —*Stanley Kauffmann*

Alabama Black Enclave —*David Glick*

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Mr. and Mrs. Diamond aren't trying to save the worlc Just a little piece of it.

Willie Sam Roberts is one of the luckier children in his Southern Tennessee town. He's just passed his fourth birthday. Hardly remarkable. Unless, like Willie Sam, you live in a place where one of every four children never lives to his fourth birthday. But Willie Sam has another reason to consider himself lucky. He has a future. A future that has suddenly turned bright.

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That's where Minerva and Irving Diamond entered the picture. They're not nearly as wealthy as Willie Sam and his family imagine. Middle aged, middle income, probably describes them best. But now that their two daughters are grown and on their own, the Diamonds can afford to enjoy the things they've always wanted to do. Travel. Golf. And spending time doting on their grandchildren. Yet, while enjoying the comforts they've earned, the Diamonds are seeing to it that Willie Sam has his chance.

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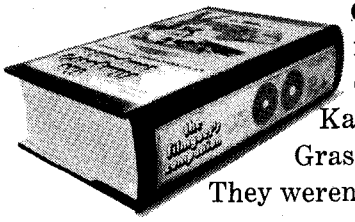

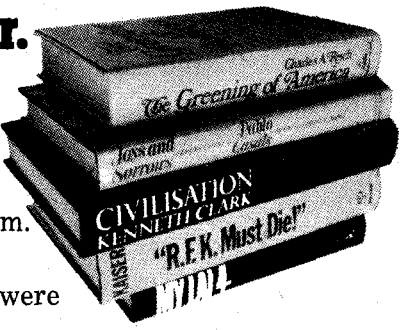

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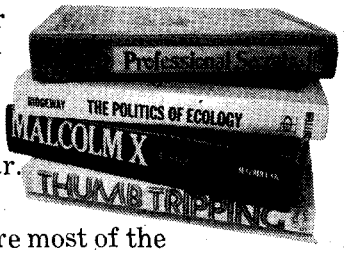

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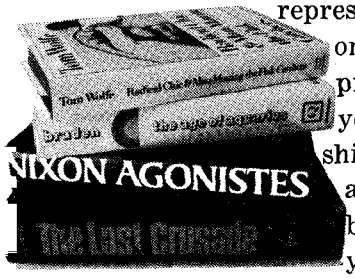

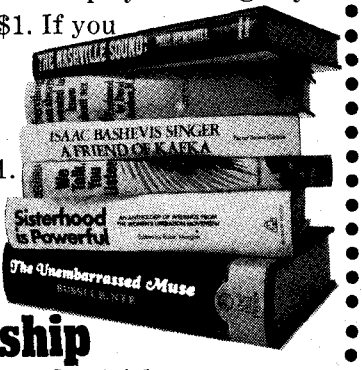

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For New Times' Sake

There's the best chance in generations to do something about the seniority rule in Congress and just so you'll know what lies ahead here's the situation at present, here's why something should be done, and here's what may happen when Congress returns to Washington at noon, January 21.

To begin with, the Presidential race has started. The second Congress in a Presidential term is always more partisan than the first, and the 92nd will be, too. The exchange has already begun with Mr. Nixon's sharp attack on the legislature just before he left for Southern California. The result in 1972 may depend on whether the Democratic Congress can get itself organized to stand up to the White House in the months ahead. It's been a stand-off so far. Mr. Nixon is going to go before Congress, January 22, on prime time, and boldly ask for a welfare reform, health reform and federal revenue-sharing. He will ask for a lot of other things, too, some good, some bad. Can the Democrats pull themselves together to deal with the issues responsibly, and not fall on their faces again? In the final days of the 91st, the Senate had at least seven filibusters going at once, and somebody had the bright idea of giving them names like tropical disturbances, Alice, Bertha, Clara, to tell them apart. Funny, if you like sick jokes.

The next point is, why something should be done. In a way this speaks for itself. There is no institution in Washington more clumsy, more inefficient, more disgraceful, than Congress. In a way, of course, its procedure is so awful that it has a kind of charm, like preferring an outhouse to modern plumbing. But the trouble is, Congress is so constituted that it lags behind public opinion, the villages have a veto over the cities, the elders over the middle-aged, the Past over the Present. This was shown clearly in glaring contrasts in the final days of the session just ended.

Congress, for example, passed a law to allow investors to get their assets out of brokerage houses that failed. This was considered urgent because an alarming situation had developed. The two parties united with admirable speed and harmony, and a billion-dollar line of credit was voted to implement the safeguard.

This is fine, of course, for the 31-million investors or speculators in the country. On the other hand, Congress did nothing to deal with the rat situation in the big ghettoes, or to cut down the disgraceful infant-mortality rate in which America lags behind 12 other nations, with a 40 percent higher rate in black than in white communities. We are the only industrialized nation in the world lacking a program of comprehensive government health care.

Take another case. Congress is getting ready to approve a Pentagon program to rescue Lockheed Aircraft Corporation from bankruptcy at a minimum cost of $600 million. But putting a floor under Lockheed is one thing, and putting a minimum-income floor under poor people in the welfare plan is something else, and Congress quit without any action. This is tough on the poor, and for Democrats political suicide.

Life in the Beehive

Just one more example. Congress rushed through bail-out legislation for the gigantic Penn Central transportation complex; a nice little first instalment package of $125 million. (Penn Central lost $252 million in the first 10 months of 1970, and lists total liabilities of $4 billion.) But to deal with hunger is another matter. Congress waited two years on the new food-stamp plan and then wrote a barbaric provision in the law requiring that where *any member* of a recipient family refuses to accept work, the whole family is cut off food relief, children and all. "This is a vicious, vicious section," said Rep. Foley (D, Wash.). So it is, but our Congress wrote it into law. If a drunken father won't work the piteous children go hungry. That' what our representatives ordered with what Foley called "even-handed in justice."

What's the rationale for this? Chairman Poage (D, Texas) of the Agricul ture Committee, who got his positio by seniority, defends it: "You know what happens in the beehive. They kill those drones," he said. "This i what happens in most primitive so cieties. Maybe we've just gotten too far away from the situation of primi tive man."

That's the way you talk about peo ple, you see; not about Lockheed, o brokerage houses, or Penn Central. It was just disclosed that Poage has had a cozy arrangement with Ford Motors t get a new "prestige" Lincoln Continen tal for $750 a year, but he is fearfu that poor people will chisel on foo stamps. The House vote of 148 to 12 is recorded on page H12547 of *The Congressional Record*, Dec. 30, if yo want to see how your man voted.

The final part of this article is wha we can do about it. For one thing we can get behind groups that are trying to get Congress to reform itself. The time of decision is when the new Congress meets. There are little sparks of reform. A good fanning might bring a blaze. In the Senate, members right at the start will have a chance to tighten the cloture rule against fili busters, from a two-thirds majority to end debate (67 if all present) to three fifths (60). It sounds small but could make a big difference. The Senate may also do something about seniority.

But the real chance of hitting the seniority system that picks all-powerful committee chairmen by the size of their bald spots and not their ability, is in the House. The League of Women Voters, the ADA and the Common Cause of John Gardner, are working on it. House Democrats, in a unanimous committee report, recommend modest reforms. Now it's the question whether the full Democratic caucus will go along. In particular, reformers want to knock off TAS (the Three Awful Septuagenarians) – Rep. Poage of Agriculture, already noted; Rep. Colmer of the Rules Committee, a one-time pro-Thurmond bolter; and segregationist McMillan, SC, of the District of Columbia Committee, who treats the US capital as his plantation It's the best chance in a generation

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Free Who?

With those extra agents and dollars he now has, J. Edgar Hoover ought to know, and he describes the Young Socialist Alliance as "the largest and best organized youth group in left-wing radicalism." The news is unintentionally reassuring. YSA, or Trotskyites as they are called, had a national convention the end of December in New York City. They claimed a membership of 5000, or .135 percent that of the American Legion. The numerical comparison is misleading, of course; one Trotskyite has 10 times the political punch of one Legionnaire. Nevertheless, the discrepancy in numbers (and influence) between "the largest and best-organized" group of young radicals and the largest and best-organized group of middle-aged anti-radicals is stunning enough to persuade most of us that the chances of imminent revolution in America are dim. That, however, is not the only reason Mr. Hoover's description is so reassuring. The young Trotskyites, seen in the broad spectrum of left-wing militancy, seem to be sensible, at least in their indictment of "the ultra-leftist fixation on 'picking up the gun.'" And other radicals are inclining to see it that way, too. Even the fugitive Weatherwoman, Bernardine Dohrn, is reported as saying that "this tendency to consider only bombing or picking up the gun as revolutionary . . . we've called the military error."

However, those who work to "change the system" by agitation and organization, rather than by shooting "pigs" or bombing banks, still get far less notice by the press or the super-patriots than do militants who announce in an SDS *New Left Notes* that "we're not trying to end wars, we're starting to fight a war"; or those who pronounce that "political power grows out of the barrel of a gun." The latter quotation, original to Mao, comes from *Free You*, a California newspaper. *Free You* late last summer was full of fire. "Rise up and smash the state. The struggle is taking form." Its advice to the Oregon National Guard: "Turn your guns around."

It all sounds like a bad TV script. There are few if any revolutionary models suitable for American consumption. The ones being copied today – predominantly peasant societies in China, Algeria or Cuba – are wholly inappropriate. This inappropriateness was noted more than a quarter of a century ago by A. D. Lindsay (*The Modern Democratic State*): "Before the days of modern weapons, govern-

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ments were comparatively weak. They had power only so long as it continued to be given them. This was true at least before the days of standing armies. The citizens all taken together were clearly stronger than the government, and both they and the government knew it. But millions and millions of men are helpless before a government which has a bombing air-force at its command – or has tanks and artillery at its command. Walt Whitman says, 'the greatest city stands where the population rise up at once against the never-ending audacity of elected persons.' But if the elected persons can call upon a force equipped with modern weapons, the populace will repent its rising."

And what if it is not "the populace" but only a handful who rise up to smash "the pig government in Amerikka"? *Free You* is engaged not only in a dangerous enterprise but a fruitless one. The battle cry may be "All Power to the People," but most of the people would if they could, and given sufficient provocation, happily clap the followers of *Free You* in jail, at the least. It is that certainty which strengthens the army of "law and order" gangbusters. The last thing the violent revolutionaries dare trust is "the people." Indeed, they cannot even trust themselves; groups splinter, only to splinter again. The fragmentation on the left attests to the fragility of the revolutionary impulse in America. Every little meaning has a movement

"Lady, we don't make the news. We only peddle it."

all its own. The fact of the matter is that when a win dow-smashing cadre marches to the call, "The stree belong to the people," it is shouting nonsense. For it demanding that the rights of the many be subservie to the rights of a few, and that demand is both al surd and intolerable. "The people" at that mome may be wanting to use the street to get home, or t work, or to shop. The street really does belong t them; at least they feel so. But the marchers canno admit that, so they must conclude that "the people are duped and cannot see their real interests; i.e., th necessity of revolution. In the early 1930s the stree of Berlin did "belong" to Nazi and Communist act vists, and what happened as a consequence shoul need no retelling. That is the way it works when *m* rights are the only rights that are "right" for you.

The temper of the vigilante-minded, left or righ has the common quality of abusive contempt: "pi government in Amerikka," "impudent snobs." It i more blessed to give than to receive pain. "Wear you legal helmet," advises *Free You*, "and your goggles an your gas mask and your bullet-proof vest and pic up the gun. Seize the Time." Echoes of Mussolini "The masses are asses." So like asses, they must b pulled and flogged if they are to be driven the correc way. The grain of truth in this bit of arrogance is tha "the masses," the masses in an urban industrial society do not and cannot participate in the detailed directio of large affairs, whether of government or business o of trade unions. They must have leaders. Yet the stubbornly insist that they can govern – and they ar right. Although their interests are extraordinaril diverse (they are, finally, individuals), the masses ar quick to discern when the shoe pinches, and then ther is change. They may not be qualified to administe nor wish to decide every question, but "the people' can and do give or withhold consent to those wh make day-to-day decisions.

Free You does not believe this. For to believe it i to believe in "the system," with all its awful imper fections. So it exhorts us to reach for the gun. Shoul that exhortation disturb us? Is it anything more tha sound and fury? Yes, it is more ominous than that as the bombings and killings testify – though perhap less ominous than J. Edgar Hoover believes. Les ominous because it is isolated, because it is uncharac teristic of our remarkably aware younger generation The vigilantes are few. But there are millions wh will work for a more humane society, and believe i can evolve from the society we have. They spot th flaw in the gun-barrel philosophy: in the name of just order, the vigilantes invite tyranny; in the nam of peace, they bring war; in the name of love, they spread rancor. No free community can be born o sustained on that philosophy.

"Seize the time" is a fine line. But seize it for what "Free You" is an intoxicating slogan. But who's you

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Udall and O'Hara

There's no mystery about who will be the next peaker of the House of Representatives. When)emocrats caucus later this month they will choose 'arl Albert of Oklahoma and the House will make the hoice official. It's not clear what sort of Speaker he /ill be or whether his record on civil rights (mixed), ıbor (mixed), the war (hawkish), oil interests (Oklaoma) and other matters makes Albert a conservative, liberal from a conservative state, or a Southern iberal. Whatever the label, the consensus seems to e that as he has risen through the ranks (from Whip ɔ Majority Leader and now to Speaker) he's become ıore progressive and he's come to take a broader iew than might be expected of a representative of poor, rural constituency in southeastern Oklahoma.

As the leadership of the House changes this winter, ıost interest is centering on who will stand behind ılbert in the second spot of Majority Leader, the ɔb he's vacating. There are four serious candidates and Wayne Hays of Ohio). Two of them – Morris Udall of Arizona and James O'Hara of Michigan – re up-and-at-'em reformers. Two are not – B. F. Sisk ıf California, via Texas, and Hale Boggs of Louisiana.

Sisk is dull, inarticulate, the personification of the Iouse adage that "the way to get along is to go long." More often than not he votes with Dixiecrats, ıas a shabby record on civil rights.

Boggs, a chief agent for oil and gas interests, has a ıistory of erratic personal behavior and minimal perormance as party Whip during the past eight years. ike Sisk, Boggs has a low party-unity voting record or one who aspires to party leadership and whose ıain task as Whip has been to rally support for party ıositions. According to *Congressional Quarterly*, Boggs ıoted with the majority of Democrats only 64 percent ıf the time during the first session of the 91st Con,ress. He opposed the Democratic majority 22 percent ıf the time. Of all the candidates for Majority Leader, Boggs scores last on party unity. Boggs thinks of himelf as "moderately liberal." However his voting record ails him as a standpatter and hawkish. Of the our candidates, he has the worst foreign policy ecord (seven percent Americans for Democratic Action rating; zero on *Progressive's* antiwar index). On domestic issues his record is only slightly better. He scored lowest of the four candidates on *The New Republic's* index of key votes in the 91st Congress, owest on the Friends of the Earth conservation vote cale. His overall ADA rating is 44 percent. Boggs, ıf the two conservatives, is the man to beat.

O'Hara and Udall are respected House members; nd either of them would be a competent Majority eader. The case for Udall is based on his skill as a ıublic spokesman; he's responsive to the complaints nd concerns of the younger members. His early and active opposition to the war in Vietnam and his challenge to John McCormack for the Speakership two years ago typed him as a courageous advocate of change.

The prospects of Udall and O'Hara depend largely on whether one of them can attract enough votes of Northern, big-city regulars from such states as Illinois, New York, Pennsylvania and Massachusetts who have allied themselves with the South in organizing the House under, first, Sam Rayburn and John McCormack, then McCormack and Carl Albert. The Northern regulars and the Dixiecrats don't agree on many issues, but they have bargained to share leadership. While some of the city politicians might now prefer a status quo man like Boggs or Sisk, either man would tilt the leadership balance of forces which has prevailed for three decades. Albert and Sisk are rurally oriented moderates. Albert and Boggs (and indeed Sisk, originally) are Southerners. The progressive bloc in the House has been growing over the past 20 years. The trend should be represented in the leadership. Finally, the tradition of elevating the majority leader to the Speakership, speaks in favor of Udall and O'Hara; neither the genial Mr. Boggs nor Sisk is Speaker material.

Hale Boggs is making much of the columnists' reports that he is the front runner. He's also stressing his progressive record – a bit more than the record justifies – and what he regards as the natural right of Whips to become Leaders. However, of 11 Whips in this century only one – Carl Albert – has risen to Leader and he's proud to say that he owes his elevation to his hard work on the House floor. Rep. Boggs' partisans can make no such claim for their man.

Between them, O'Hara and Udall have 90 to 100 votes. Boggs and Sisk a smaller number. The remaining 50 to 70 are uncommitted. The threat of defeat resulting from a divided liberal bloc has been largely avoided by an agreement to drop the low man on each ballot until someone receives a majority. An even split of the uncommitted votes plus a handful of second choice votes picked up as Hays and Sisk are eliminated could give the surviving liberal – Udall or O'Hara – the needed majority.

Mississippi Challenge

The House Democratic caucus will have to deal with the party's chronic difficulties with Mississippi this month when the right of the five Mississippi House members to sit as Democrats will be challenged. At stake will be the seniority of three of the most powerful members of Congress – 80 year old Chairman

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William Colmer of the House Rules Committee, Chairman Jamie Whitten of the Agriculture Appropriations Subcommittee, and Chairman Thomas Abernethy of the Cotton Subcommittee of House Agriculture.

Rep. John Conyers Jr. (D, Mich.), will initiate the challenge with a resolution claiming Colmer, Whitten and Abernethy plus two Mississippi colleagues (Charles Griffin and Gillespie Montgomery, both relatively new members) are not Democrats but rather members of a third party. Traditionally members of third parties have been given committee assignments but denied seniority.

Conyers' action, brought at the request of officials of the Democratic Party of Mississippi (the Aaron Henry, Charles Evers, Hodding Carter III group) will be justified by a resolution stating that any party which practices racial discrimination is not a "bona fide" Democratic party. If successful the resolution will divest the five congressmen of much of their power to obstruct. Whitten, as chairman of the Agriculture subcommittee for 18 years has served the interests of big cotton producers in his district and controlled to his own purposes the programs and budget of the 107,000-man Agriculture Department. Colmer continually blocks important legislation favored by the Democrats. He refused to allow a rule for the equal employment opportunities act of 1970, thus blocking passage of legislation favored by a majority of both houses.

At the 1968 Democratic National Convention, the Loyal Democrats of Mississippi (now called the Democratic Party of Mississippi) were seated while the delegation of Gov. John Bell Williams was rejected by an overwhelming vote. (Even the Southern members of the credentials committee supported the Henry-Evers-Carter group.) Back home however the Williams faction has retained its right to be called Democrat. State law requires parties to register with the Secretary of State and he has registered the John Bell Williams party as *the* Democratic party, refusing to register the Henry-Evers-Carter group. Mississippi law also requires candidates to file with the party rather than with the state. Thus all five House members from Mississippi registered with the Williams party in 1970, refusing two requests from Henry that they in addition register with the party whose delegation was seated at the Democratic National Convention and on the Democratic National Committee. Membership in Mr. Williams' party requires a declaration of support for segregation of the races.

Under a new state election law, beginning this year party primaries will be eliminated as will candidacies by party. All candidates for state and national office – Republicans, Democrats and independents – will file in what can best be described as an open primary to be held in October. If no candidate gets a majority of the votes in the open primary, a run-off between the top two will be held in November.

In congressional races in 1972, Mississippi candidates will be allowed the subterfuge of registering with a party although running without party label in open primary. If they don't act now, the Democrat caucus in Congress will have to decide in 1973 whether to give official sanction, and thus seniority, to racist politicians who were never elected as Democrats at all. A decision to deprive the Mississippi "Democrats" of seniority this year would serve as a precedent two years hence, when, the state sends to Washington a delegation elected in a sham, "nonpartisan" election.

Politics for Rich & Poo

Last fall, the President vetoed the first major legislation Congress had ever passed to limit the abuse of campaign spending. It would have restricted candidates' television and radio expenditures to seven cents for every vote cast in the last election, or $20,000, whichever was more. And it would have lifted the equal-time obligations on broadcasters to permit more debates between major party candidates. Congress upheld Mr. Nixon's veto; the decks are cleared for a new bill. The question is, what shall it be?

There are some good models. Sweden, for example, provides all political parties with free and equal television time. Scheduling is done by lot and no one is allowed to buy additional time. Federal Communications Commissioner Nicholas Johnson has proposed a similar system for this country, with candidates forbidden to use time in less than five-minute segments. Rep. John B. Anderson, Illinois Republican, recently introduced a bill calling for a limit on total spending, making available at taxpayers' expense radio and television time for all candidates, restricting the amount of money candidates can spend on their own behalf on the airwaves, limiting and regulating campaign contributions from all sources, allowing income-tax credits for small contributions.

All these suggestions have merit, including the bill President Nixon vetoed. But since the President considered that bill "imperfect," we might as well venture as far towards perfection as we can.

Any bill should strive to do two things. 1) Give candidates more equal access to the voters, regardless of financial resources; and 2) reduce the possibility of deception by synthetic campaigns and subliminal advertising. The following, I believe, would do much to improve the situation:

Require broadcasters, both radio and television, to give candidates free, prime-time during the final month prior to an election in half-hour or quarter-hour seg

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ments with a format, in the words of Congressmen Anderson, "intended to promote substantial political discussion." Anderson suggests three hours in a general election for major party Presidential candidates, 2 1/4 hours for US Senate candidates, and 1 hour 45 minutes for House candidates.

► Additional time could be bought by candidates only in time allotments of five minutes or more.

► The candidate himself must appear during all of the free time and in a majority of the time of each unit of bought time.

► No candidate would be allowed to use the name or picture of his opponent in any advertising or literature.

► Total campaign spending by the candidate and his committee would be limited to so much per vote cast for the office in the most recent election – perhaps 10 cents a vote for Presidential candidates, 20 cents for US Senate candidates, 30 cents for House candidates.

► Each candidate would be allowed only *one* campaign committee authorized to receive and disburse funds, thus closing one of the major loopholes of the notorious 45-year-old Corrupt Practices Act, which limits contributions from individuals to $5000 to any one committee of a candidate but does not limit the number of committees.

► The committee's name must include the name of the candidate and be used on all advertising and literature, thus eliminating ads for candidates sponsored by bogus committees such as "Committee to Preserve America" or "Citizens for a Better Pennsylvania."

► Allow an individual income-tax credit for political contributions up to $25.00, to encourage small givers.

► Limit an individual's total contribution to $5000 for any one candidate in any one election.

► Require candidates to publish an itemized list of all contributions and expenditures each Monday for the four consecutive weeks just prior to an election.

These reforms would not eliminate "dirty politics," misrepresentation and inflamatory rhetoric. And they would not prevent wealthy candidates from having an advantage. They would, however, get rid of some of the worst faults of our present, unconscionable electoral system. The flashy 60-second-smear TV spot, used too often in 1970, would be outlawed. The bogus committee would be gone. Total spending would be restricted. All candidates would have greater access to the voters through free broadcasting time. Small contributors would be encouraged. Large contributions would be limited. All contributions and expenses would be reported before elections.

Norval D. Reece

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The Nixon Watch

Notes from a Nightmare

Here are some thoughts and points about Mr. Nixon and his Presidency, mostly derived from his televised conversation with four network luminaries on January 4 and from interviews at the White House during the preceding fortnight.

At a Cabinet meeting on the morning after the TV session, the President said he was disappointed that several questions that he had been prepared to answer had not been asked. He was disappointed with the conversation before it occurred. The assistants who arranged it for him had indicated that he hoped for reflective questions that would invite reflective answers about himself, the Presidency and its problems, the processes by which he arrived at his decisions. The reaction of the regular White House press corps to these intimations doomed his hopes. A suspicion arose that the affair was framed, that the chosen conversationalists would be debarred from putting hard questions that went to the gut of the news and would be expected to serve up what reporters call "soft-balls." The four questioners demanded and got assurances from Press Secretary Ronald Ziegler and Communications Director Herbert Klein that no restrictions were intended or implied. In the event, they demonstrated their journalistic virility with hard queries that elicited less interesting information than the few reflective questions did.

It's not often that a President, called upon to say how and whether two years in office have changed him, admits that he knew less about the office than he needed to know when he assumed it and that now "I know more. I'm better. I'm more experienced. I hope to do better." Reminded of his promise in early 1968 to give the country "the lift of a driving dream," and agreeing that he had failed to fulfill it, the President recalled "the nightmares" of assassination, domestic violence and a hated war that haunted his first two years and said, "You can't be having a driving dream when you are in the midst of a nightmare." There was a touch here of synthetic apology, as there was in his remark that his questioners wouldn't want to be caught "being soft on Nixon" (this with the famous cringing smile), and in his attempt to equate the student killings at Kent State University and Jackson State College with the student bombing at the University of Wisconsin. Generally, however, he was at his effective best when he was allowed to turn from the news to the problems behind the news – including the problem that is Richard Nixon himself.

His senior assistants would do well to ponder one such reply. Nothing antagonizes them toward reporters

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more than any suggestion that Mr. Nixon is in less firm command of himself on some occasions than he is on others. Howard Smith of ABC observed that the President had said in his book, *Six Crises*, that in periods following tension and crisis he had to guard against faulty reactions and judgments. Smith asked whether "you think you have mastered that aftermath period now." Mr. Nixon replied that a man who has been through what he has been through gets to a point where he "paces himself properly" and knows of himself that "in a moment of let-down he might make a mistake." The President then said: "I don't mean that I've mastered it completely, because I would be the first to admit that I'm just as human as anybody else." Hearing that, I thought of H. R. ("Bob") Haldeman, the President's chief staff administrator, and his remark some months ago that a precise description of Mr. Nixon in a public moment of fumbled talk was "the shittiest piece of journalism I ever saw."

In discussing himself and his hopes and plans for the second two years of his present term, the President said much that various members of his staff had said lately about him and his attitudes. The thrust of their accounts had been that he genuinely did expect the coming biennium to be "a great two years" and that he was enjoying the difficult choices that had to be made before he came up with his 1971 State of the Union, Budget and legislative messages and proposals. If so, the pleasure was of fairly recent origin. His televised acknowledgment that progress toward his goals in the first two years had been less than he hoped for, and his indications that in the coming two years he would deal differently with Congress, with his Cabinet, with his national constituency coincided indirectly but in an interesting way with the analysis offered by one of his more objective assistants.

After the 1970 campaign and elections, with a net outcome clearly short of the enormous success that the President had declared it to be, it seemed to this assistant that Mr. Nixon went through a time of rather puzzled frustration, of wondering how and why it was that so much of the electorate had failed to respond as he expected to his initiatives and programs and to his campaign pleas for support. At first, the post-election word to everybody on the White House staff had been to follow the Presidential line of a great success; and then, very suddenly and very firmly, to shut up and say nothing more to outsiders about the election results. Whether this meant that Mr. Nixon himself had reconsidered, as he has yet to indicate he had, the assistant didn't know and didn't know of anybody else at the White House who knew. But he sensed that the President, behind his show of enhanced toleration for Democratic critics and dissident Republicans, was at least for the time being more impatient with and less tolerant of such characters than he had previously been. If this analysis was correct, and I suspect that it was, we saw in the January 4 conversation and on other recent occasions a President in the act of putting on a masterly act, all the more impressive because it concealed some of his true feelings.

Mr. Nixon in early December asked the principal members of his staff for memoranda setting forth their ideas of how he should conduct himself in 1971. A common and not particularly insightful view, reflected by the President on television, was that he should appear to regard 1971 as "a nonpolitical year" and defer outward political activities and concerns until 1972. Mr. Nixon understood that he was being urged to engage in a charade and thought it was rather funny ("Why," he said in a mocking tone to one of his congressional leaders, "you don't think I'd be thinking *politically*, do you?"). But he bought it, and one of the results is that his friend and associate from his early California days, Murray Chotiner, has been told to look around for a job well away from the White House staff. There were thoughts of placing him at the Republican National Committee, provided that its new chairman, unlike outgoing Chairman Rogers Morton, is willing to put up with so close and trusted a Nixon surrogate at his elbow. Chotiner's departure, when announced, is to be one of several signals that in 1971 the President is forgoing the delights of what one assistant calls "frontal politics." The same assistant said the other day that Harry Dent, Chotiner's fellow-specialist in hard-line politics and the President's personal emissary to Southern Republicans, is likely to be kept on at the White House, head well down but quietly at work as usual on the finer nuances of the Southern Strategy.

Unbeknownst to some of the closest associates of the President and of the assistant in question, Mr Nixon was assured only at the turn of the year that Henry A. Kissinger would be staying with him for awhile. Amid the recent flurry of Staff and Cabinet changes, the general assumption has been that the President's assistant for national security affairs was too enamored of the power and prominence associated with his job to leave it for a return to Harvard, whence he came, or perhaps for some other university faculty. The assumption was wrong until very recently, and in the first week of January it still was not completely sound. Mr. Nixon told Kissinger last September or thereabouts that he, the President, wanted him to remain through the second half of the term and Kissinger said that he would think about it. He thought about it well into December, in the meantime acquiring private assurances at Harvard that he would find an acceptable spot waiting for him if he decided to stay with Mr. Nixon beyond the expiration of his two-year leave in January and chose to return to the university later in 1971. His understanding with

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he President in early January was that he would indeed remain, but not necessarily for the whole of the next two years. From now on, he is at the White House on an until-further-notice basis and that apparently s all right with the President. I am told and believe hat there is no question of disagreement on any ground between Kissinger and the President; it's merely, I gather, that Henry Kissinger's well known and well developed vanity has been widely misinterpreted. The prevalent notion that it binds him to the White House and to the eminence that goes with his job there offends him. He prefers to have it understood that he is quite capable of surrendering his share of Presidential power and going back to the academy.

John Osborne

Something New in Wallace's Alabama

Black Power Enclave

by David S. Glick

This month George Wallace returned to the Alabama statehouse – and in Greene County, a new probate judge, a new sheriff, a county clerk, and two school board members – all black – also took office, joining six other blacks elected 18 months ago. This leaves the county with only two white officials, who weren't up for reelection in 1970. Greene County has become the only biracial community in the United States in which both the administrative and educational apparatus of government are dominated by blacks.

The emergence of black power in Greene, a direct outgrowth of the Voting Rights Act of 1965, may foreshadow similar developments in many of the 80 Southern counties in which blacks form a majority. "We wanted the government to be polka dot, but the whites wouldn't cooperate, so we had to make it all chocolate," says the Rev. William McKinley Branch, the country's new probate judge.

Located in the cotton and scrub pine section of western Alabama, between Birmingham and Montgomery, Greene County is the fifth poorest in the nation: average annual per capita income, about $900. The land is not good and there is no local industry. The county's declining population (10,300) is more than 80 percent black. Most of the blacks live in tarpaper shacks or whitewashed cottages set on cinder blocks along unpaved county roads. There's a store or two at the crossroads labeled Demopolis and Boligee, but the only real town is Eutaw the county seat. About half of Eutaw's 2500 inhabitants are white, as are all its public officials.

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Under Alabama's constitution, Greene County is governed by a commissioners court, consisting of four elected commissioners and the county probate judge, who, in addition to his judicial duties is also county treasurer and ex-officio chairman of the commissioners court. (He is not required to be a lawyer.) Though much of the county's $2 million annual budget is earmarked for highway maintenance, the commissioners court has had some say in recreation, economic development, housing, and some aspects of welfare. For years, it represented the county's white elite.

The long-quiescent blacks mounted their first political challenge since Reconstruction in 1966, when they ran a black slate for county offices. At that time, less than half the county's 11,050 blacks were registered. By contrast, there were 2546 white citizens and 2549 white voters. Despite the overwhelming black majority, the Rev. Peter Kirksey, who won a school board seat, was the only black elected.

Thereafter, voter registration and political education picked up. The National Democratic Party of Alabama (NDPA) nominated a slate of black candidates for all county offices again in 1968. But the county probate judge, who is also responsible for certifying candidates, chose to leave the black slate off the ballot. That election was later declared illegal by a federal court, and in a special election held in July, 1969, black candidates won all four county commissioner seats and two spots on the school board.

The black majorities on the commissioners court and the board of education, where the two newly elected blacks joined the Rev. Kirksey, had little education and no experience in government. Most were barely

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literate. None of the commissioners – or any other blacks – had even attended a commissioners court meeting in recent years. Nor had the board of education members had any contact with the school system, which had only recently moved toward desegregation. Unlike black officials in the North, Greene County's new leaders lacked educated and experienced local blacks and helpful white liberals to whom they could turn for advice.

The danger of their inexperience was demonstrated early. The commissioners were presided over by Probate Judge J. Dennis Herndon, the same judge who had removed their names from the 1968 ballot. When they sought to end the racist dual salary schedule and equalize the wages of black county employees with their white counterparts, the judge persuaded the commissioners to "work toward this" by granting an equal percentage increase to all employees. As a result, the wage gap widened, though wages went up. On several other occasions, commissioners say, the judge thwarted their will by withholding information or misleading them about state laws. Similarly, the board of education members sought to install a black superintendent of schools, but whites refused to certify the black candidate, although his credentials were in order.

To help them deal with their experienced adversaries, the county commissioners hired Oscar Williams, a young Tuskegee graduate and Peace Corps veteran to fill the newly created post of administrative assistant to the commissioners, and they also received some advice from the Tuscaloosa representative of the Robert F. Kennedy Foundation.

In addition, the black officials called on a spin-off of CORE – the Scholarship, Education, Defense Fund for Racial Equality, Inc. SEDFRE helps train black political candidates and advises newly elected blacks. Its staff members played an active part in the early stages of Richard Hatcher's administration in Gary, Indiana, and later advised Charles Evers, the first Southern black mayor. For the past year, SEDFRE has been represented in Greene County by Spiver Gordon, a Louisianan who had been active in CORE and SCLC.

Gordon set up a series of seminars for the new officials, teaching them their responsibilities under state law, their rights in office, and their options under Robert's Rules. He explained the meaning of a budget and helped them communicate with their constituents. He also ran "preconferences" to discuss the items the commissioners were to consider at their next meeting. He attempted to clarify strategies the commissioners might follow so they wouldn't be caught off guard by the judge's tactics. For one commissioner, Gordon developed a chart suggesting questions he might ask himself about each proposal. ("How much will it cost?" "Is it legal?")

For Gordon, these exercises were a learning experience. "After years of protesting against the establish ment, all of the sudden I was a part of it. Instead o formulating demands, I had to start thinking in term of solutions," he says.

As the black officials began to assert themselves Greene County's whites seemed to withdraw from public life. Few of them would say anything bad abou the government to an outsider, but even fewer were willing to deal with it. By last summer blacks felt that whites were interested only in sabotaging black goals and as the 1970 elections approached, the NDPA chose a slate of blacks to run for all available white-held county offices. After slating the Rev. Branch, 48-year old head of the local NAACP for probate judge, the NDPA chapter chose 31-year-old Rev. Thomas Gilmore, another NAACP leader, to run for sheriff against William "Big Bill" Lee, a former All-American football player at the University of Alabama, whose family had held the sheriff's office for 47 years. They had a voter registration margin of nearly two to one, but many blacks knew little about voting, others were fearful, and some were doubtful about the wisdom of a black government. Nevertheless, on November 3, the blacks won – by a narrow margin.

The initial registration and voting by blacks led to massive evictions of black families by white landlords. An estimated 250 rural families were pushed off the small plots of land which they had farmed and were forced into smaller, inferior quarters where, since they no longer had room to grow their own food, they needed industrial jobs.

SEDFRE has helped the commissioners court set up an economic development organization and a housing authority. Previously, Judge Herndon blocked an appropriation of county money for the housing authority. Now, the Rev. Branch – who had been executive director of the housing authority – will put the county government behind the public housing effort. No progress has yet been made in attracting new industries, unlike Fayette, Mississippi, where Charles Evers' national reputation and connections have helped snare about 200 new jobs. Since whites own most of the businesses and the land in the county, they would benefit from any economic advances made by the black government. Yet they munch their sour grapes. "The county is broke anyway, so we ought to let them have it," one white says.

"Eventually they'll come around," the Rev. Mr. Branch insists. Several black leaders fear that black expectations will rise above the government's ability to deliver. The officials know the county is poor, and there is little they can do about it. Few blacks bother to eat in the officially desegregated restaurant or worship in the white churches. The schools are now officially desegregated, but the white children have been pulled out, and as a result there will be a cutback in staff – meaning the new black teachers will be fired.

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Camelot in Retrospect

JFK—Bitter Memories of a Cold Day

›y Gerald Clarke

And what were they going to do with the Grail when they found it, Mr. Rossetti? – a question once asked Dante Gabriel Rossetti.

Vhat the weather was like in Boston that day I can't emember. But it does not matter, because for me and, suspect, for most of my generation, the day John ennedy was inaugurated was and will always be the laring snow and the unbelievable exhilaration we saw n the TV screen.

In Cambridge, where I was in my first (and final) ear at the Harvard Law School, the feeling was not o much that of victory as satisfaction, final, ultimate atisfaction. This is the way it should be, this President vas one of us. The government itself was ours – and he "us" and the "ours" were not the Democratic Party r the liberals, but the young and the vigorous. Kenedy was intelligent, youthful, handsome; he had a eautiful wife, and he had a glamorous life style.

Yet much of it, too, was the contrast with Richard Nixon. Like us, Kennedy seemed embarrassed by the nan and contemptuous of his super sincerity. Like us, ie was intensely skeptical. Beyond that, could it be ossible that we, the children of Ike and Mamie, were imply bored and fed up with the fifties? This puts the nd before the middle, however, and for two years and en months – and for a long time thereafter – I believed hat I was in the "next Augustan age," as Robert Frost hrased it. Only lately have I put it all together and ealized that the Administration of John F. Kennedy vas a failure, by his standards as well as mine. If we oted for Johnson in 1964 and got Goldwater, so too ad we chosen Kennedy and wound up with Nixon our years earlier. This conclusion, which gives me no leasure at all, says as much about me, and perhaps my eneration, as it does about John Kennedy. We wanted o believe and we did. Many of us no longer find it ossible – or necessary.

How could we have been thrilled by that pompous naugural Address? It was jingoistic, a Monroe Doctrine for the globe itself. How could we have been exited by its swollen, Cold War rhetoric? "Now the rumpet summons us again – not as a call to bear arms, hough arms we need – not as a call to battle, though mbattled we are – but a call to bear the burden of a long twilight struggle year in and year out . . . In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility – I welcome it." Nineteen-sixty-one, the hour of maximum danger? Were things all that bad? Had good old Ike left us in that bad a state?

So he claimed and so he thought. With their commitment to getting the country moving again – they never said when it had ever been moving or where they planned to take it – JFK and his crew followed words with action. "In the past twelve months our military posture has steadily improved," he told Congress in his 1962 State of the Union message. "We increased the previous defense budget by 15 percent . . . We more than doubled our acquisition rate of Polaris submarines, we doubled the production capacity for Minuteman missiles, and increased by 50 percent the number of manned bombers standing ready on a 15-minute alert." In addition, he went on, "we have doubled the number of ready combat divisions in the Army's strategic reserve, increased our troops in Europe, built up the Marines . . . expanded our anti-guerrilla forces, and increased the active fleet by more than 70 vessels and our tactical forces by nearly a dozen wings." All of this, of course, was "not in the expectation of war but for the preservation of peace." All in all, writes Theodore Sorensen in his hagiographic *Kennedy*, it was "the largest and fastest buildup in our peacetime history." Still, I – we – applauded, mesmerized, I suppose, even as he was, by 15 years of liberal dogma that told us we must be first. Viewed in this context, the Bay of Pigs was not a momentary aberration, as we then fancied, but the result of a peculiar blend of liberal and imperialistic logic.

Like most other Kennedy ventures in foreign affairs, it was, however, unsuccessful. Though the Vienna Summit Conference, which took place a few months later, is usually cited as a Russian-American draw, we now know that that, too, was a failure. The proof, as good as we are likely to get, is the testimony, recently released, ironically enough, by the Kennedy Oral History project, of the three ranking American Kremlinologists – Charles Bohlen, Llewellyn Thompson, and George Kennan – who argue that JFK was clearly out of his depth with Nikita Khrushchev. Kennan suggests that the President's poor showing at the conference

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may have encouraged the Russians to think that they could cow him by sending missiles into Cuba. Kennedy's one certain triumph, their retreat during the Cuban Missile Crisis the following year, thus may merely have erased his previous error at Vienna. But at what a price.

Of all of Kennedy's mistakes, however, Vietnam stands alone, the most enduring and damning footnote to that dazzling inaugural day. An argument can be made that American involvement in Southeast Asia began not with JFK but with Roosevelt, Truman, or Eisenhower. But surely the fatal if not the final step – which remains Lyndon Johnson's legacy – was taken by Kennedy when he raised Eisenhower's commitment of fewer than 700 men to nearly 17,000. The cultists claim that Kennedy came to see his mistake and was about to rectify it when he flew to Dallas. They like to quote from his interview with Walter Cronkite in September, 1963, in which he said: "In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it, the people of South Vietnam, against the Communists." They overlook other lines a few paragraphs farther on in the same interview: "But I don't agree with those who say we should withdraw. That would be a great mistake. I know people don't like Americans to be engaged in this kind of effort. Forty-seven Americans have been killed in combat with the enemy, but this is a very important struggle even though it is far away." If South Vietnam "went," he said a week later, it would "give the impression that the wave of the future in Southeast Asia was China and the Communists."

Still, I could never bring myself to believe that Kennedy would have blundered along the same path LBJ did, at least not so far as to send in more than half a million men and nearly destroy his own country. Oddly enough – and despite everything I've said – I still cannot imagine it. If I read him right on anything, it was on his skepticism, and a skeptic quickly wearies of his folly. Yet the proof, such as it is, that Kennedy was planning to get out is even more disquieting than the uncertainty. Writing in *Life* last summer, Kenneth O'Donnell, Kennedy's White House chief of staff, said that as far back as the spring of 1963 the Presider had told both him and Senate Majority Leader Mik Mansfield that he planned to leave Vietnam. "But can't do it until 1965 – after I'm reelected," Kennec had said. An earlier withdrawal, he thought, wou have raised, in O'Donnell's words, a "conservative ou cry against returning him to the Presidency for a se ond term." So reelection was everything and nothin could be done for at least a year and a half, and pe haps two-and-a-half years. Is it altogether naive t wonder, if just a little, at such a cavalier attitude tc ward the lives of nearly 17,000 men? In some half hidden corner of my mind I had admired what I too for his worldly cynicism, but even now I find it har to conceive that it could have been so profound or hav cost so much. But there it is.

Much of Kennedy's failure can be explained in phrase: the second term. Again and again, the hagiog raphers tell us what marvelous things awaited u next time around. The troops would have been pulle out of Vietnam; Dean Rusk would have been fired; *rapprochement* would have been achieved with th Russians and the Chinese. Bolstered by a person triumph in 1964 and a bigger Democratic majority i Congress, Kennedy would have replaced timidity i domestic affairs with aggressive leadership. His com mitment to civil rights and his awareness of the urba malaise were real enough, I think, but he was alway afraid to link them with the action he so boldly an disastrously took in defense and foreign affairs. "H had so little time," Arthur Schlesinger Jr. emotionall writes at the end of *A Thousand Days*. "It was as i . . . Lincoln had been killed six months after Gettys burg or Franklin Roosevelt at the end of 1935 or Tru man before the Marshall plan." Schlesinger is righ but he does not make the point he thinks he does. Si months after Gettysburg, Lincoln had already signe the Emancipation Proclamation and set the Union o the road to victory. At the end of 1935 Roosevelt wa long past the "100 Days" and had pulled the countr back from despair. Even before the Marshall plai Truman had proved himself a strong, effective leade What is there comparable in Kennedy's 1000 days?

In times past I would respond to such a bleak analy sis the way some of my friends still do. "Ah," I woul say, "but you can't measure Kennedy in the usual way He was great not because of what he did, but becaus of what he was and because of the spirit he let loose Even this I recant – and hold against him. He di release a spirit of optimism, exuberance, expectation But his notion of inspiring the country was the race t the moon. Tricia Nixon was heard to complain recently that youthful unrest started in the Kennedy Adminis tration, "when he promised youth the world, and whe they didn't get it, they lost faith." It is a heady, intoxi cating experience to agree with Tricia Nixon, but I do at least in part. It is dangerous to promise too much

COMING: a three-part report by Ralph E. Lapp on nuclear power and its effect on people and pollution

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it is cruel to raise emotions and then let them down.

For a long time the Kennedy myth, I think, was necessary. It made bearable the unbearable fact of the assassination; it made it possible to blame Johnson alone, or primarily, for the stupidity of the war. It was intolerable to believe that John Kennedy, who represented the best in us, could have prepared the way for the most sordid episode in our history. It was, in short, too difficult to blame ourselves. For if we accused him, how could we not also accuse those of us, almost an entire generation, who identified with him so passionately? For me, and for many others in their thirties and late twenties, the truth, at last, is preferable to the fiction. Which is not to say that it is comfortable. No matter what revelations remain in the oral history and other archives, the legend will endure. No one remembers or much cares that Richard I, the romantic Richard the Lion Hearted, was a bad king. It will be the same with JFK. Yet I *care*, because in my mind his failure was mine as well as his. It is possible that my bitterness betrays me and that, remembering the sweet excitement of that long-ago January, I am too harsh in my judgment. Perhaps the second inauguration would have been the beginning of the next Augustan age. Perhaps Kennedy, having twice discovered what seems to have been his own Grail, election victory, would have known at last what to do with it. I wish that I could think so.

Filed but Not Forgotten

The Presumption of Guilt

by Thomas R. Reid III

It has been an article of faith among us that anyone accused of a crime is innocent until proven guilty. That this principle is still alive and well was demonstrated by the public outcry last August when Richard Nixon announced to the world that Charles Manson was guilty of murder. The President, of course, quickly corrected his slip and affirmed his belief that neither Manson nor anyone else can be designated a criminal unless he has been convicted of a crime. Recent news releases out of Washington, however, indicate that J. Edgar Hoover and the Federal Bureau of Investigation do not share this belief. In an unusual court case last month, it was revealed that the FBI is maintaining "criminal records" on a large number of people who have never been convicted, and in many cases never been tried, on a criminal charge.

Anyone who has ever been arrested in this country (it is estimated that 50 million Americans have) is probably represented in the FBI's criminal files, regardless of the reason for the arrest or the ultimate disposition of the case. Through the National Crime Information Center, the FBI exchanges such information with state and local police. Most local police forces automatically send arrest reports to the FBI, but they are not so diligent about reporting information exonerating the arrested person. Even when the FBI does receive notice that an arrest was mistaken, that the charges were dropped, or that the accused was acquitted, the arrest record remains in the bureau's permanent criminal files.

Although a federal judge has ruled that reports of arrest without conviction are not a matter of public record, the FBI and local police forces treat their arrest files as if they were a public library. Arrest data are widely disseminated among government offices, banks, credit bureaus, and employment agencies. The mere notation of an arrest on any charge can have serious economic, social, and legal implications for the innocent as well as the guilty. The impact falls most heavily on young people and blacks, who are most apt to be held on "suspicion" or gathered up in mass arrests.

This came out last November in the case of a 20-year-old Washington man who was arrested on a charge of assaulting an officer. Although the DC police admitted that the arrest had been made in error and did not prosecute the case, a record of the arrest and the defendant's fingerprints were routinely forwarded to the FBI. On these facts, Judge Harry T. Alexander of the DC Court of General Sessions ordered the FBI not to distribute the arrest record and scheduled a hearing on a further order that the record be expunged altogether from the agency's files. Hoover, who maintains that he can keep any arrest record, mis-

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taken or not, and distribute it as he sees fit, contested both orders.

Judge Alexander's ruling was something of a legal landmark in that it was the first expungement order ever directed to a federal agency. However, the judge has issued similar orders in the past to the DC police department, and his right to do so has been upheld on appeal. In the light of this precedent, Hoover recognized that he would be on hostile ground in Judge Alexander's courtroom. Thus the FBI's first move in the legal battle was a strategic retreat in the form of a petition to remove the case from Alexander's jurisdiction and bring it before a federal court. The motion was granted, and the case will be heard this week before District Court Judge Gerhard Gesell.

Judge Alexander's order was based on his concern that the existence of the mistaken record could cause serious jeopardy to the defendant. The problem is particularly acute when one is applying for a job. A survey of 75 employers in the New York area showed that 66 would not hire an applicant who had been arrested, but acquitted, on an assault charge. The Equal Employment Opportunities Commission reports that AT&T automatically rejects job applicants with any kind of police record. It is not unreasonable to assume that other employers, large and small, do likewise.

Even if an individual with an arrest record obtains employment, his job is continually in danger. New York State passed a law last year requiring that all employees of securities firms be fingerprinted. After the prints were reviewed by the FBI, several hundred people on Wall Street were fired because of their "criminal records"; half of them had arrest records, but no convictions.

Arrest records are apparently readily available to any government agency or private concern that is interested in them. Many local police forces provide arrest information to any employer who requests it. Even where the distribution of such data is officially restricted, there are ways to gain access. A detective in the New York City Police Department is currently under suspension for selling police records to the Wackenhut Corporation, a large private detective outfit which serves employment agencies and credit bureaus. To date, no action has been taken against Wackenhut; if a case were brought, it might be interesting to see whether the company, a national concern, engages in such dealings in other cities.

Thanks to the generosity of John Mitchell, the availability of arrest records was vastly increased this year. The Attorney General authorized the FBI to exchange information from its criminal identification files with thousands of banks, insurance agencies, commercial police firms, and similar private organizations. Thus the government has the potential to malign innumerable innocent people by sending out arrest records that are frequently misleading and sometimes plainly wrong. An incidental effect has been to increase considerably the harassment value of casual arrests of hippies, peace demonstrators, or others who may displease a local policeman.

During the past year the courts have taken a few tentative steps to correct these abuses. One approach is to penalize those who discriminate on the basis of arrest records. Last summer a federal judge ordered Litton Systems, Inc. to pay $10,000 in back wages and court costs to a California man who was denied employment solely because he had a record of several arrests (but no convictions). The judgment is a helpful precedent, but its application is necessarily limited. Not many job applicants will have the resources or evidence necessary to sue an employer who rejects them.

A more valuable precedent is the case in which the police are ordered to expunge the record of arrest. In addition to Judge Alexander's rulings, a federal court has told the Charlotte, NC police department to seal the records of several young people who were arrested for vagrancy after months of police harassment. (The arresting officer admitted in court that it was the first time he had ever arrested a "vagrant" who was sitting quietly in his own home.) Although the case was never brought to trial, the police are insisting that they should retain the arrest records. They have appealed to the Supreme Court, which will decide this term whether to review the decision.

But an expungement order directed at local police is only window dressing if the same record has been transmitted to the FBI's files. That is why the Washington case pending in Judge Gesell's court is crucial. There are indications that Hoover will get no friendlier reception in federal court than he did from Judge Alexander. For one thing, Judge Gesell has also been assigned an expungement suit against the FBI brought by a Maryland man who was mistakenly arrested for a robbery that never took place. Although the FBI originally won a summary judgment in the Maryland case, the DC Circuit Court of Appeals remanded it for a full trial, noting that "it is difficult to see why" an innocent man "should be subject to continuing punishment by adverse use of his 'criminal' record." Judge Gesell will have to consider both cases in the light of that admonition.

Mr. Hoover can point to the heavy administrative burden he will carry if he must continuously expunge individual records from the millions in his files. He will also argue that he, as the government's ranking expert on crime, should be entrusted with considerable discretion in deciding which records the FBI will keep. It will be up to the court to determine whether these considerations are weightier than the protection of individual privacy and the preservation of our traditional presumption of innocence.

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A Limited National Service System

Replacing the Draft

by Jonathan B. Bingham

Before the present draft law expires next June 30, the Congress seems virtually certain to extend it. That is what the Administration wants, while hoping eventually to reduce draft calls to zero. Even the Gates Commission on an All-Volunteer Armed Force favors leaving a selective-service system in being, on a standby basis. But if the draft is to be extended in one form or another, the system could be made far more workable as well as equitable. The way to do it is to give young men the option of choosing civilian service instead of possible service in the military and thus also provide manpower to meet acute public needs.

The draft today is patently unjust and widely hated; at the same time, it is performing badly the task it is assigned. Four years ago, former President Eisenhower was dismayed by "the rising tide of rancor engendered by our draft system." Today a high proportion of America's young men are unwilling to go along with Selective Service regulations. Last April, for example, over 12,000 men failed to report for their pre-induction physicals, and nearly 2000 failed to comply with notices for induction. The draft call issued for that month by the Department of Defense was for only 19,000 men. To produce that number of draftees, the Selective Service System had to send out over 36,500 induction notices. Although quotas for 1970 have been running about 50 percent below those for 1969, the proportion of failures to report has gone up. A few of these failures are accounted for by men who will go to jail rather than serve in the military; many more leave the country or simply disappear. In fairness, it must be pointed out that approximately half of those who fail to report for a physical or for induction do so for reasons other than resistance to the draft; perhaps they didn't receive the notice or forgot the appointment. But this leaves half of those who fail to show up, willful violators or persons whose no-show status is unexplained.

A more important reason so many men must be called to meet even low draft quotas is that a large induction number don't pass their physicals. The national failure rate for the pre-induction examination is 45.2 percent. A surprising number who pass the pre-induction exam fail the test given at the time of induction – 17.8 percent in the first half of 1970.

Of course, these statistics are a sad commentary on the health of our young men, but they are also a commentary on the unwillingness – no doubt in many cases an eagerness – to obtain medical disqualification from military service. Last October, *The New York Times* reported that more and more potential draftees, especially college students, were using letters from their personal physicians to get disqualification on real, exaggerated, or, in some instances, fictitious grounds. One New York psychiatrist was said to write about 75 letters a week at a reported fee of $250 "cash in advance," diagnosing young men as "manic depressive." While Selective Service doctors may suspect the validity of such letters, they are inclined to accept them, not only because of the short time available for each examination, but because they are hesitant to dispute a qualified physician (if a draftee is later discharged for a condition that is found to have existed prior to induction, the Selective Service doctor may have to explain why he failed to detect it).

Only five percent of those found physically unfit in New York are thought to have used such fraudulent evidence. Nevertheless, young men are increasingly willing to seek and use any condition, however slight, that might mean a 4-F or 1-Y deferment.

This has produced a skyrocketing failure rate – double and triple what it was in World War II. And in every state the failure rate for whites is higher than for blacks, whereas in World War II the percentage of blacks who failed their physicals was twice as high as whites! When young men are eager to fail, there is a distinct advantage in having been regularly under a doctor's care and in being articulate about any possible defect. One physician boasted that he could find a legitimate disqualifying condition in any young man sent to him.

Clearly this situation compounds existing inequities under the Selective Service system, favoring the advantaged over the disadvantaged. While deferments have been ended for work in such occupations as teaching, and for most graduate-level education, college deferments continue. And the possibility of establishing conscientious-objector status, which has al-

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ways been greater for the well educated than for the poorly educated, will be even more so after the Supreme Court decision of July 15, 1970, in *Welsh vs. United States*. In that case, the Court ruled that in claiming CO status, a young man need not prove that his opposition to war is based on religious belief, but merely that it is "sincere" and "deeply held."

In an attempt to help local draft boards make such subjective and extraordinarily difficult decisions, National Headquarters of the Selective Service System has sent out guidelines to local boards. Curtis Tarr, the new Director, said that a young man's beliefs must be more than a personal moral code and must involve the thoughts of wise men. He further stated that a man must show evidence of activity comparable in rigor and dedication to traditional religious training. When asked whether or not these guidelines would work to the advantage of youths who have had a college education and could thus more easily demonstrate a knowledge of the thoughts of wise men learned in a course of rigorous training, Dr. Tarr responded that there "always has been an advantage to the intelligent man and I think neither you nor I would want to change that." Many of us would indeed "want to change that."

The Supreme Court decision in the *Welsh* case, however logical, has made the already hard job of Selective Service just about impossible. A drastic change in the law is needed. The task of the Congress, as well as of the Executive Branch, is to try to find an equitable and workable way of meeting our military manpower requirements, while allowing the individual young man the maximum amount of choice. So long as the draft exists, the most practical course seems to be to abandon the subjective "conscientious objector" test altogether; indeed, let our young men decide for themselves that their opposition to military service is so strong that they would be willing to do what COs now do; that is, undertake a civilian assignment in lieu of possible military service.

In mid-1969, during hearings before the House Foreign Affairs Committee on the Peace Corps, I was struck by the fact that under the law Peace Corps service is expressly *not* to be regarded as an alternative to military service. It seemed to me that a term in the Peace Corps or as a VISTA volunteer was a very real service to the country and should be accepted as fulfillment of a man's obligation. From this conclusion emerged the thought that, when he reaches draft age, a young man should be given three options: sign up for military service, sign up for some form of acceptable civilian service, or take his chances on being drafted under the lottery.

There were many problems raised by this idea: What form would such civilian service take? What would be the effect on labor standards? Would the needs of the military be met? How would any such program be administered?

To probe these and other questions and to assist me in drafting a detailed bill, my son Timothy volunteered to call on some of his fellow students at the Yale Law School. Eight third-year law students and two second-year students were recruited. Professor Daniel Freed agreed to serve as a faculty adviser. They were given course credit for their work. Also assisting the group was Alfred Fitt, a former Assistant Secretary of Defense for Manpower and Reserve Affairs, then serving as an aide to President Kingman Brewster. For a full half-year, the seminar worked on the project. I met with them on November 8, 1969, but essentially they were on their own. Although a majority never became sold on the idea, a complete, detailed bill and accompanying explanatory statements were prepared

In March, 1970, an open meeting was arranged in Washington for members of the Yale seminar to meet with congressmen, staff, and interested groups. Timothy and William Heckman outlined the proposal and answered questions about it. Thereafter, my staff and I, assisted by the Legislative Counsel, made a few, mostly minor changes in the bill that had been suggested at the meeting and in subsequent discussions, and on June 10, the "National Service Act of 1970" (H.R. 18025) was introduced with the support of nine Representatives.

The response was surprising. Letters started coming in from Alaska to Florida. The mail ran about ten to one in favor of the proposal, and a number of other congressional offices began to ask for information. Gallup conducted a special national survey of opinion on the basic idea – a three-way choice. The results, released last July 4, 1970, showed that 71 percent liked it, 20 percent were opposed and nine percent had no opinion. (In the 21 to 29 age bracket, the youngest age group polled, 80 percent were in favor, 18 percent opposed and two percent had no opinion.) In contrast, a Harris Poll showed only 52 percent favoring the all-volunteer army plan. On July 13, *The New York Times* editorialized:

"The merit of the Bingham plan is that in most cases it would relieve the draft boards of the need to judge the sincerity of a young man's beliefs. The CO could demonstrate his sincerity by foregoing the chance of escaping national service altogether and opting to undertake some useful civilian task, usually for a period longer than ordinary military service. The burden of proof would fall directly on the potential draftee, not on his board. This should not be too much to ask of young men of sincere conviction."

I thereupon reintroduced the National Service Act last July 21 with 16 new co-sponers. Altogether the 26 sponsors are by no means agreed on all aspects of the military manpower problem. Some favor the all-volunteer approach: others have misgivings about

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. But all of us agree that our National Service ct would be a great improvement over the present raft law.

In spite of its perhaps too imposing title, our bill alls for a distinctly limited national service system. In rafting it, we never gave serious consideration to the lea of universal National Service, although we drew eavily on the studies made by Donald J. Eberly, the xecutive Director of the National Service Secretariat. ome highly idealistic students of the problem believe iat *all* young Americans, female, as well as male, hould be required to put in a term of service to their ountry, as is the case in Israel today. There is much o be said for this view, both in terms of manpower eeds and in terms of a valuable experience. But there re two overwhelming counter-arguments: (1) the exense and the bureaucracy required to administer such vast program would be enormous, and (2) compulory national service for all would run afoul of the onstitutional prohibition of "involuntary servitude" ontained in the 13th Amendment. (Since the Supreme ourt has held that a draft for defense purposes does ot contravene the "involuntary servitude" provision, ur legal experts concluded that a limited national ervice program would not be held unconstitutional.)

When the idea is first broached of allowing young ien to opt for civilian service as an alternative to beig drafted, many people ask whether almost all young ien would not choose this course?

This would be a very serious problem *if* the potenial draftee were allowed to opt for civilian service *fter* being selected for induction. But that is not what ve propose. Under our three-way choice scheme, the emptation for most young men will be very strong iot to sign up for either military or civilian service, n the hope that they will not be caught in the lottery or the draft. Most young men are naturally optimistic nough to elect this course, especially during a period vhen, as now, draft calls are low and going lower, so hat the chance of any given individual being inducted re not very great. (Under the bill, deferments for exreme family hardship as well as for physical or menal disability would, necessarily, be continued.) Moreover, the term and conditions for civilian service would iot be especially attractive. Volunteers would receive a iving allowance and pay comparable to that now reeived by Peace Corps and VISTA volunteers. The Diector of the National Service Agency would be given he authority to set terms of service appropriate to he different varieties of civilian work, but in general hese terms would be longer that the two years required of a draftee. Thus it is our expectation that only hose who have strong objections to serving in the nilitary or are idealistic about performing some useful ivilian service would opt for that course.

The first, and most obvious, category of civilian ervice under the program would be in highly selective government programs such as Peace Corps and VISTA. These would continue to operate much as they do now, except that those young men who applied and were accepted, and who satisfactorily complete their term of service, would not be subject to the draft. The high standards for admission would be maintained. I asked the former Director of the Peace Corps, Joseph H. Blatchford, whether in his judgement the idealistic spirit of the Corps would be adversely affected by the element of compulsion implicit in the National Service Act. He replied in the negative, pointing out that many applicants for the Peace Corps are already subject to a similar compulsion, in that they feel they are not as a pratical matter likely to be drafted if they serve in the Peace Corps. (Statistically, they are correct, though the Peace Corps Act specifically provides the contrary.) Mr. Blatchford told me he would welcome the National Service approach on the ground that it would strengthen Peace Corps recruitment.

Most of the civilian-service enlistees would work in approved jobs for public and private employers, as is now done by conscientious objectors.

At an early stage of their deliberations, the Yale Law School seminar concluded that every effort should be made to avoid setting up a huge bureaucracy to operate the Civilian Service program and that, accordingly, the federal government should not be the sole, or even the principle, employer. On the contrary, the objective should be to have as many as possible of the civilian enlistees working for private or public employers engaged in on-going constructive activities, such as hospital and health services, education, child and geriatric day care, public safety, and environmental protection. Employers in such fields who were eager for more manpower would apply to the National Service Agency to qualify specified jobs for participation in the program. The National Service Act proposal sets forth certain criteria for approval of such jobs, such as that they be of substantial social benefit and that employment of Civilian Service registrants would not interfere with the labor market or job standards.

In order to avoid any temptation for employers to hire such registrants as "cheap labor," the bill also specifies that the employer will pay the going rate for the services rendered, with the registrant receiving only his subsistence level pay, and the balance being retained by the federal government as a partial offset to the cost of the program. (This is an ingenious provision worked out by the Yale law group. While perhaps difficult to administer, some such device would appear to be necessary if those in civilian service are to be paid only a subsistence wage. It can be argued that they should be paid the going rate, as conscientious objectors are now performing similar service.)

The bill also lists several categories of employers that would be specifically excluded from the program, including political-party organizations, labor unions,

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religious organizations (to avoid a church-state question), domestic or personal-service companies, and commercial enterprises. (If the National Service concept were to catch on and continue for some years, the exclusion of all commercial enterprises might eventually have to be reexamined; many jobs which are necessary may become increasingly hard to fill if the affluent society is extended to more and more Americans. For instance, how many coal miners will we have in 20 years if the young men in mining areas are given real opportunities for alternative employment, which in justice they ought to have?

A third category of civilian service would be in a specially created Civilian Service Corps. Many kinds of useful work could be done by young men organized along the lines of Franklin Roosevelt's CCC, including forest management, soil conservation, and short-range assignments such as city clean-up campaigns. Former Interior Secretary Hickel has suggested formation of just such a Youth Conservation Corps.

The Civilian Service Corps program would have an important training component, designed to improve the future employment opportunities of the registrants, as well as to meet manpower needs in scarce skills. After six months or a year in the corps, many young men might then be able to complete their civilian-service term by transferring to an approved job on the outside.

The question of whether or not to grant deferments to enlistees for college or other training is difficult. The bill provides that volunteers for military or civilian service would be permitted to defer their term of service pending four years of college education or approved training. This was the one major question on which I differed with the Yale law students who, after long debate and several reversals of position, had finally decided to recommend against deferments. They were concerned that deferments would tend to discriminate against the disadvantaged, who might not be able to use the opportunity. However, it seemed to me that the injustice to the disadvantaged could be minimized by providing that approved training programs, including apprenticeship and on-the-job training, could also be grounds for deferment.

Some of the law students objected to the deferment idea because it might stimulate an undue rush to sign up for civilian service by smart operators, who would figure they could choose a time of low to zero draft calls later on to drop out of the program and take their chances on being drafted. This argument has some merit. On the other hand, the possibility of abandoning the civilian service option at any time reduces considerably the element of compulsion in the proposed National Service Act – the very element which the law school group found most troublesome.

In any case, the really compelling reason for allowing such deferments is that the service performe whether military or civilian, would be so much mo valuable after education and/or training. Many mo types of employment could be brought into the pr gram in this way. Indeed it is difficult to see how suc enterprises as Peace Corps and VISTA could be in cluded if educational deferments were not provide for. Not only would the country benefit from thi greater flexibility, but the registrants would get muc more out of their term of service and make a greate contribution.

While declarations of war have gone out of fashio since World War II, the possibility has to be faced tha the United States might someday again be involved i a war duly declared by the Congress. The bill make provision for that contingency: young men who ha escaped the lottery during their year of eligibilit would be again subject to call, and likewise men en gaged in approved civilian service (those with th least service being called first). Military service coul be avoided absolutely only by the young men wh could establish their conscientious objection to all wa

This provision, incidentally, furnishes an additiona safeguard against an overwhelming sign-up for th civilian service option, since it would be made clear t registrants that such enlistment would not provide firm guarantee against being drafted at some time

The National Service Act would replace the presen Selective Service System, including draft boards, wit a National Service Agency. Three divisions within th Agency would be concerned, respectively, with th military aspects, including the lottery, with registra tion and placement of civilian enlistees, and with th operation of the civilian service program, especiall the Civilian Service Corps. The Registration and Place ment Division would be geared to counsel young me of 17 in making their choices at age 18 and to assis civilian enlistees in finding employment in approve jobs. Disciplinary procedures are provided: the mai sanction for a civilian enlistee who failed to perfor would be release from the program, so that he woul be subject to the draft lottery for one year. Procedura safeguards are also incorporated, including rights t hearings and appeals for those adversely affected b administrative decisions.

As drawn, the National Service Act proposal i based on the assumption that a lottery draft would b needed and would remain in effect, though actua draft calls might go way down. The bill could be modi fied without great difficulty to fit the Gates Commis sion proposals for an all-volunteer recruitment pro gram, based on improved pay and other benefits, wit a stand-by draft. In this situation, those young me who performed approved civilian service would b credited with having performed their obligation if th draft were reinstituted. As a practical matter, the num ber of volunteers for civilian service at subsistence

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ay levels would probably drop very low, except for rograms such as the Peace Corps and Vista with a igh intrinsic appeal, but the opportunity would be here. If the purely volunteer system proved inadeuate to meet defense manpower needs and selective ervice were reinstated, the civilian service option vould be available for those young men being subected to draft liability for the first time.

Unfortunately the outlook is not bright for major hanges in the selective-service law to be enacted by he 92nd Congress, or for its being given careful tudy. The House Armed Services Committee, which ıas been the dominant congressional voice on draft olicy, has been inclined to resist basic reforms. The ıst extension of the selective-service law occurred in nid-1967, after hearings in both houses of Congress. *ongressional Quarterly* summarized that year's action: 'Public pressure for change in the draft system reulted in a major Administration push for draft reform n 1967, but most of [President Johnson's] program oundered in Congress, largely as a result of action y the House Armed Services Committee."

When that committee brought its own bill to the loor of the House on May 25, 1967, the then Chairnan, Mendel Rivers, made full use of his extraordinary powers as manager to put the bill through ust as he wanted it. By motions to limit debate, discusion of important proposed changes was choked off.

In 1969 the House Armed Services Committee reersed itself on allowing the President to institute a ottery system (which the 1967 bill had prohibited), ut it was determined not to allow the House to conider any other change. This decision was met by a torm of criticism on the floor of the House from memers who had important amendments to propose. After discussion of the fact that the Armed Services Committee had held no hearings (Rivers said there ıad been no time to do so), the Chairman promised hat in 1970 "the committee will undertake a complete eview of this subject. The Members of the House ıave indicated that they want it, and I am perfectly villing to undertake it. . . . I give you my word that ve will have a review next year." So reassured, the Iouse passed the abbreviated bill unchanged. At the ime, no one supposed that a "complete review" could e accomplished without open hearings at which proponents of draft reform could appear and testify.

But when 1970 rolled around, that was not the Chairman's interpretation of his commitment. In July ıe directed his Special Subcommittee on the Draft, haired by Rep. Hébert (D, La.), to conduct a closedloor review of the "administration and operation" of he present law, with Executive Branch witnesses only. Believing that this was not in accord with the prior commitment, as understood by the Members, Rep. Robert L. Leggett, a member of the Armed Services Committee, and I initiated a joint letter to Chairman Rivers, pointing out that a "review" could not be "completed" without consideration of alternatives to the present draft, and urging that congressmen and others be given "the opportunity to present their views in open session. . . ."

The letter went forward on August 4, signed by 55 Members of Congress. A prompt reply was received, but it was largely negative: the hearings would continue closed and concerned only with "administration and operation" and no outsiders would be heard; only Members were invited to testify. Some Members did testify, but the two Members of the Special Committee who attended displayed scant interest and asked almost no questions. In appointing this Special Committee, it seemed to us Mr. Rivers did not try to select members who would represent various points of view in the House, or even on the committee. Members of the committee who were known to favor draft reforms were left off the subcommittee.

Presumably the new chairman of the House Armed Services Committee (in all probability Mr. Hébert) and Senator Stennis, chairman of the Senate Armed Services Committee, will arrange full-scale, open hearings on the draft and alternatives in the late winter of 1970 or spring of 1971. But it seems unlikely that a drastic reform such as our National Service Act will be given serious consideration in either House or that the kind of Executive Branch studies needed to evaluate the proposal will be requested, unless at least one of the Armed Services Commitees can be galvanized into action by pressure from the media and the public.

The difficulty of overcoming the naturally conservative bent of most Armed Services Committee members, and their suspicion of social programs, is compounded by the inflexible manner in which bills are referred to particular standing committees. A proposal such as the National Service Act presents many questions of civilian manpower needs and of the operation of civilian programs by the federal government, questions which ought to be considered by interested members of committees other than Armed Services. Ideally, it seems to me, a bill like ours ought to be referred to an ad hoc committee composed of members with expertise in the various fields affected (this was the procedure in the early days of the Congress). But under present rules, with strict jurisdictional lines frozen into the structure, there is no way to accomplish such a result. Occasionally a Special Committee is set up for the consideration of a particular problem, but such Special Committees are normally not given the essential power to report out legislation. The drive to secure thorough and objective consideration of the proposed National Service Act and other alternatives to the draft can and ought to be part of a broader drive to make the congressional committee structure more representative, more responsive, and more responsible.

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Stanley Kauffmann on theater

Last of the Red-hot Writers

Neil Simon's new play is his second of the year, which is the most notable thing about it. More of that later. First, the play itself.

When the curtain goes up on *The Gingerbread Lady* at the Plymouth, a man bustles out of the kitchen into the living room with a vase of flowers and tries placing them in various positions. Immediately, this defines the play's imaginative level. Stock opening "business," while the audience settles in their seats, to tell us something of character and anticipation. (There is a similar opening in *Last of the Red Hot Lovers.*) This is the West-Seventies-brownstone apartment of an ex-singer named Evy Meara, and the man is a homo actor friend readying the place for her return. She has just spent some weeks getting dried out in a Long Island home for drunks.

We know that she has to relapse or there would be no play, and we wait around for the causes to be manufactured. (The misfortunes of the actor, the marital troubles of a fading-beauty girl friend.) Evy's 17-year-old daughter, who comes to live with her, is the rock to which she finally clings.

This is certainly Simon's least skillful play to date: the first act is a great gob of exposition. It is also his least credible: we are asked to believe that Evy's ex-husband sends their daughter to live with his nymphomaniacal ex-wife just out of an alcoholics' hospital; that the girl has no revulsion or panic, is a never-failing fount of wisdom, and finally clasps her mother to her filial bosom to save her. No, we're not *really* asked to believe all this, we're asked to accept it, so that we can have the play, as it trudges through predictable mechanics to an ending that is devoid of surprise or (even) tear-jerking resolution.

A good deal of this loud-voiced opus takes place with the apartment's front door open – at one point the door is broken down – yet we never hear or see a sign of the neighbors, who are apparently stone-deaf. This is supposed to be Simon's first "serious" play (in point of fact, *Red Hot Lovers* was – comparatively – much more serious), but it is insured with wisecracks – the usual barrage of jokes built on misinterpretation or distortion of a phrase someone else used in the preceding line, or built on cozy recognition points: Schrafft cocktails, Tareyton commercials, Bloomingdale's department store, etc.

Robert Moore, who also directed *Lovers,* has attended to this play like a brisk chiropractor familiar with Simon's case. Maureen Stapleton, as Evy, clumps and clutches all over the stage – clutching presumably for a straw of reality in the sea of staginess. Her daughter is played by Ayn Ruymen, one of the worst debutantes in some seasons. Michael Lombard delivers a smooth theater homo, but the most valid performance is by Charles Siebert, as Evy's former lover. Siebert, who was good as the paunchy tyrannical Willy in last season's *Colette,* gives solidity to an aging hip musician. He is a genuine actor.

But this ungainly, trite, and finally pointless play is a revealing cultural instance. The show had spotty reviews out of town, was (falsely) announced to be closing, and had mixed reviews in New York. According to *The New York Times* Sunday summary on December 20th, the play "pleased five critics, got mixed reviews from two and was turned down by four." All during these events there was a feeling of incredulousness in the air, as if this could not be happening to Knockout Neil, the undefeated champ, as if some sort of appeal or effort could reverse the decision. It began on December 23rd, ten days after the opening, only three days after the *Times* had published the very sceptical critical consensus on that opening. On the 23rd the *Times* ran an interview with the author under the headline "Simon Traces Path From 'Flop' to Hit." The word Hit is not in quotation marks, presumably because Simon doesn't use the term; it's the *Times* that insists on it. Even *Variety,* the weekly evangel of show biz, could say only that *The Gingerbread Lady* had "a passable first week . . . the window sale has been so-so . . ." Yet despite these facts, despite the critical reaction, the *Times* insisted on planting th word Hit in a headline and in th story itself.

I'm not interested in proving th the play is a failure or in predictin that it will close – I don't care if runs ten years. I'm interested in wh the B'nai Broadway Anti-Defamatio League, of which the *Times* seems t be president, has rallied to Simon support.

The reason isn't obscure. He is, ap parently, the last of his breed – th last regular, prolific manufacturer c plays for Broadway. In the high day Broadway had many people writin regularly for it, at various level Numerous playwrights had eight, te twelve plays produced during the careers, and there were some astonish ing front-runners. Maxwell Anderso wrote over 30 plays in a career of 3 years, Philip Barry did 24 plays in 2 years, George S. Kaufman did one sol play and well over 30 collaborations i a career of 35 years. Simon is on hi way: since 1961 he has written te plays and musicals, all successful including this new one, if we believ the *Times.*

Plenty of people are writing play that they would like to see produce on Broadway, and, conceivably, the might write more successes if they ha initial success. This is conjecture: ver few of those who made a first hit i the last ten years have followed wit another. (Where are the careers o Leonard Spigelgass, Frank Gilroy William Goodhart, James Goldman Murray Schisgal?) Still, even allow ing for the conjecture, even allowin for some reduction of present hig production cost with a new "middl contract" for certain theaters, there ar cultural reasons, I think, why reall prolific Broadway playwrights won' appear again.

Not many new talents have confi dence in the forms of Broadway play or a desire for a lifetime dialogue wit the Broadway audience. If they hav serious ambitions, they do not aspir to Broadway as the best dramatist did in the past (O'Neill, for prime ex ample). If they have popular ambi tions, Broadway is so strait a gate tha they are forced to try elsewhere. Th hit play still has a great deal of glamo and "clout," but there's a shrinking o the belief that one has not prove himself as a writer until one meet the Broadway challenge. The role o

(Continued on page 35)

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Peter Caws: A Lesson Out of the Past

Prison Memoirs of an Anarchist by Alexander Berkman

(Schocken; $9.50)

My reading of Alexander Berkman's *Prison Memoirs*, reissued after 58 years with a new and not particularly interesting Introduction by Paul Goodman, has been punctuated by daily reports in the newspapers of the trial of Lieutenant Calley for the alleged massacre at Mylai. I say "alleged" in order to avoid the kind of blunder Mr. Nixon made about Charles Manson (and also, to do him justice, about Mylai itself). We clearly ought in particular cases to honor the blindness of the law, but in general the sort of violence that Mylai has come to represent fits in very well with Berkman's theme. The juxtaposition is potent and depressing.

Berkman himself was a violent youth, a left-wing radical, an Anarchist – but that is not the point of the analogy. He went to prison for shooting Henry Clay Frick (the same Frick whose town house, full of magnificent paintings, stands on Fifth Avenue in New York) at the time of the Homestead strike in 1892. He intended this act to be the first political assassination in American history. Berkman was not a Guiteau or a Booth, still less an Oswald or a Sirhan, but a lucid and dedicated revolutionary; the situation at the Carnegie Steel Company's works, where Frick was trying to break the strike with Pinkerton mercenaries, seemed to him to bring to a head the issues between the people and their exploiters, and he hoped by his single-handed attempt to dramatize the situation and make the workers realize that if they would only have the courage of their despair they could invoke powers more terrible and more effective than mere strikes.

In the first pages of the book Berkman establishes himself as an extremely sympathetic human being, evoking his Russian childhood and the political persecution of his uncle (one is reminded of Lenin's brother); and he outlines the issues involved in the strike, and the practices of the Carnegie Company under Frick's administration, with such skill that when he finally pulled the trigger I actually shared his disappointment that Frick was only wounded. This is to be taken as a tribute to the melodramatic power of his narrative style rather than to the plausibility of his argument for political assassination. To be willing to use the death of any man as a means to any end is I think to abandon the right to the claim, not only to moral standing, but also to a true concern for humanity, which is why Berkman's and other terrorisms are in the end inconsistent and why the foreign policies of recent Administrations have been so hideous. The Frick affair nevertheless left me with disquieting reflections about the relation between Frick's magnificent paintings and his eviction of the widow Johnson, one of the episodes Berkman uses to lead into his botched *attentat*. (She asked to be allowed to stay on in a company house after the accidental death of her husband on the job; Frick received her kindly and promised to see what could be done, but he sent the sheriffs anyway.)

The real substance of the book, however, concerns what happened afterwards. Berkman was subdued in Frick's office, brought to trial, and sentenced to 22 years' imprisonment. He conducted his own defense, hoping to make the courtroom a platform for Anarchist doctrine; but his prepared statement was too long and the judge too impatient, so he never finished what he had to say. (He read the statement in German, which for a native Russian, who by the evidence of a letter written from prison a few months later and reproduced in facsimile had a perfect command of English, seems a curiously obtuse choice.) Because he refused legal aid certain formal motions, which might later have made possible a commutation of his sentence, were not made; his own subsequent attempts to escape, and his friends' attempts to secure his release, came to nothing, and so he served the 14-odd years which, with allowance for good behavior, constituted his full time. Unlike some of his fellow-prisoners Berkman emerged alive and in reasonably good health. But we are made to *feel* the conditions of the prison, and to see how the penal system damages, not so much its victims as its administrators. The victims, as at Mylai, either survived or did not survive. Some went mad, some were sexually used or abused, some – like Berkman himself – experienced with full conscious awareness the despair and impotent frustration, the small compensations and the unexpected emotions of prison life. All the physical terrors, up to death itself, might have happened from purely natural causes; but the causes in this case were not natural, they were human, and what comes across most clearly is the unnecessary and self-defeating stupidity and cruelty, first of the judicial process that condemned most of the other prisoners (Berkman does not excuse himself and nowhere suggests that he ought to have been let off altogether) and then of the men charged with the care and rehabilitation of those condemned, men who moreover were prepared to go to extraordinary lengths to prevent the truth about prison conditions from reaching the public outside.

Of course all that was a lifetime ago – now surely things are different. Yet in spite of undoubted progress in the *theory* of punishment, the evidence is that in many prisons conditions are as bad as or worse than they were in the Western Penitentiary of Pennsylvania during Berkman's time there. Berkman himself was later imprisoned for a second time, and as Emma Goldman ("the Girl" of the *Prison Memoirs*) says in *Living My Life*, two years in the federal penitentiary in Atlanta came nearer to breaking him, physically and morally, than 14 years at Allegheny City. That was in 1917-19. (In the light of current events – the Chicago Seven, the Berrigans – his second conviction is in some ways even more interesting than his first: he and Emma Goldman were tried for conspiracy in connection with their anti-draft activities, and sentenced in spite of Berkman's argument that since they had been preaching their

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views openly for 28 years, the charge of conspiracy was clearly absurd.)

To take all this as a reflection on the institution of American justice would however be premature. Berkman was tried by jury in Pittsburgh in 1892, as he and Emma Goldman were in New York in 1917. Similarly the prison, as an institution, is not *essentially* as brutal as Allegheny City and Atlanta; and dispensing with prisons altogether might be difficult in a less than perfect society. (Pure anarchy, Berkman's convictions to the contrary notwithstanding, won't work.) Even the army, grotesque and mindless as it has become, was not as an institution responsible for Mylai. In every case the real problem is personal, not institutional: the prosecutor and the judge, the warden and the deputy, the captain and the lieutenant, and all their colleagues and predecessors who have interpreted the institutions and given them the human (or inhuman) form they now present to us. If there seems often very little difference between democratic and totalitarian systems of government (if Edward Gierek's charge that the Party had lost touch with the people in Poland seems to echo John Gardner's charge that the parties no longer serve the popular will in America) that is because there is little to choose between men, not because there is little to choose between institutions. The extraordinary genius of Jefferson and of the Constitutional Convention of 1787 has still, after almost 200 years, not been matched anywhere else; that the institutions it created are too often betrayed by the men who hold office in them is one of the tragedies of the American republic. If this leads eventually to a discrediting of the institutions it will be a tragedy for the world.

To be a man, for Berkman – "a *man*, a complete MAN" – was identical with being a "revolutionist." So at least he thought when he went after Frick. But he had a good deal of time to reflect on such things, and his intellectual and emotional development during the fourteen years of the first sentence emerges very clearly from the *Prison Memoirs*. He went in at the age of 21 and came out at 35, and while certain of his views remained unchanged others underwent fascinating metamorphoses. Of the revolutionary correctness of his act he never had any doubt, and his correspondence with Emma Goldman at the time of the assassination of McKinley makes clear the grounds of that certainty. He considers Czolgosz, the assassin, to have wasted a gesture: "though McKinley was the chief representative of our modern slavery, he could not be considered in the light of a direct and immediate enemy of the people. . . . The real despotism of republican institutions is far deeper, more insidious, because it rests on the popular delusion of self-government and independence. That is the subtle source of democratic tyranny, and, as such, it cannot be reached with a bullet. . . . It is therefore that I regard my own act as far more significant and educational than Leon's. It was directed against a tangible, real oppressor, visualized as such by the people."

But the people, on the other hand, were a grave disappointment. With the fanatic's zeal Berkman, in his early days in New York, struck a friend who had spent too much on a meal: "What right had a revolutionist to such self-indulgence? The movement needed aid; every cent was valuable. To spend twenty cents for a single meal! He was a traitor to the Cause. True, it was his first meal in two days, and we were economizing on rent by sleeping in the parks. . . . [but] Personal comforts could not be of any consideration to a true revolutionist. . . . The People should be his only love, his supreme passion." So he went to Pittsburgh in hopes that the People would rise up, but they failed lamentably to do any such thing, and when he got to jail the people he met there, while exploited victims of social injustice, turned out not to be People at all. (Marx also had been disillusioned with the People, or rather with the proletariat, as Engels reports in his preface to the *Communist Manifesto* – they would not take the consciousness he offered them.)

But as the plight of various *persons* in the jail was brought home to him by friendship and even emotional involvement, Berkman modified his abstract enthusiasm; by page 399 he is able to say "Yet I feel that the individual, in certain cases, is of more direct and immediate consequence than humanity." And on page 443 he writes to his friend Carl Nold – it is 1902 and he has been in jail ten years – "More and more I am persuaded of the great truth: given authority and the opportunity for exploitation, the results will be essentially the same, no matter what particular set of men, or of 'principles,' happens to be in the saddle." These words were prophetic deported to Russia after his second jail term, he and Emma Goldman found the Bolshevik dictatorship already in full swing. The venality of men had once again got the better of institutions, as (until enough of them change, or different ones show concern for the institutions) they always will. This is why the prospects of radical revolution in this generation are as gloomy as they are. Even if a revolution were successful, the same structures of authority and exploitation, in new variants, would reestablish themselves. For those committed like Berkman, to the path of revolution, the gloom may become overwhelming; he shot himself in 1936.

It is not only for the prompting of reflections like the foregoing that the *Prison Memoirs* are worth reading. They constitute a first-rate story of plot, capture, attempted escape, and final release – a moment of great emotional power; they are full of characters evoked with the skill of a nineteenth-century novelist; they constitute a document of enormous value for the student of American life and mores. They have a period charm that tempts one, at times, to read them as fiction. In fact Berkman, writing several years after the event, has given his experiences the form of a novel, observing the strictest Aristotelian canons (his beginning and ending would do credit to a craftsman of the genre). But one has the feeling that, apart from some details of conversation, he invented very little; his material was produced for him by the dark genius of the American social system, and the fact that it all really took place, and is still taking place, has to be confronted squarely.

That such things, or worse, might happen in some backward or fascist or communist country is, we might be tempted to say, easy enough to understand – nothing in their traditions or institutions could be expected to prevent it. That such things, and worse, should happen in America, with its origins, its precepts and professions, and its special brand of institutions, seems to require a deliberate effort, a kind of malign talent. Or it might just be the natural result of selfishness, insensitivity, and ignorance. If the latter there may yet be something to be done about it.

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Hugh Kenner: The Seemingly Wise

Gertrude Stein on Picasso Edited by Edward Burns; Afterword by Leon Katz and Edward Burns

.iveright; $17.50)

Everything changes but not without reason," she said, and no Dow-Jones umber has changed in recent weeks s dramatically as the stock of Ger-ude Stein, actively traded after years f torpor. December was a Stein Ionth. The Museum of Modern Art assembled the Stein Collection for lavish "Homage"; *Time*'s art re-iewer, for one, responded respect-ully, and let America know about ertrude's shrewd eye; the Educational V stations ran and reran an ambi-ous 90-minute bio-documentary; *Ger-ude Stein on Picasso*, a $17.50 book, ent on sale at $14.95 till month's nd for the Christmas trade. An ex-ellent critical book (I've read an ad-ance copy), called *Gertrude Stein in ieces* by Richard Bridgman, waits in ie wings for imminent release (Ox-ord). After decades as the "mama of Dada" or less, Gertrude Stein is now uddenly somebody, and if we don't ook out she will have replaced Ben ranklin as the autochthonous sage.

The reason? Well, note the visual rientation, and the fact that *Gertrude tein on Picasso* is "published in co-peration with the Museum of Modern rt"; recall the closely similar in-ubation times of elaborate art ex-ibits, long TV documentaries and xpensive books; then ponder the endency of publishers and producers o receive cues rather than give them, nd dwell on the vast expertise of the rt Establishment when there are eputations to orchestrate. In that orld, "value" is a function of relent-ss publicity, and the Gertrude Stein ve are currently being offered is argely controlled by the Picasso Hold-ng Company.

As usual when a carnival has moved n, there is colorful litter. Shows get ismantled, documentaries return to he can, but books lie around, and ve're left to confront *Gertrude Stein on Picasso:* 138 pages, 16 color repro-ductions, 65 monochromes, and "40 important documentary photos," i.e. period snapshots. The tone of time has been heavily bestowed, in part by reproducing many of the snapshots in sepia, also by equipping each rec-tangle of text with ornamental corners, as if the prose had been gummed sheet by sheet into a family album. And the prose? The text of Gertrude Stein's short book (1938) on Picasso; her 1909 and 1923 "Portraits" in Stein-style; a few hundred words, hitherto unpub-lished, from her notebooks; and an essay on Gertrude and Pablo entitled "They Walk in the Light," by the editor and a collaborator. The heavy paper and binding not only make *GSOP* three-quarters of an inch thick, but serve notice that it's all meant to endure, perhaps even prevail.

In the 1938 essay Miss Stein is durably stubborn. She begins: "Paint-ing in the nineteenth century was only done in France and by Frenchmen, apart from that, painting did not exist, in the twentieth century it was done in France but by Spaniards": the firm assured child – that's her persona for this occasion – making statements so flat and artless they *must* be honest, statements with the authenticity of a drawing that has three buttons down the front for Daddy's coat and a square hat on top of his head and a big pipe with some smoke – that's the squiggly line – curling out of it. That's just how she sees Daddy – you can't argue. Such a drawing evades per-spective, and such a statement as Gertrude Stein's evades, for instance, Rouault and Braque. And "She never understood anything," said Matisse.

Or take her remarks on the incep-tion of cubism. At this point in her narrative the persistent child becomes

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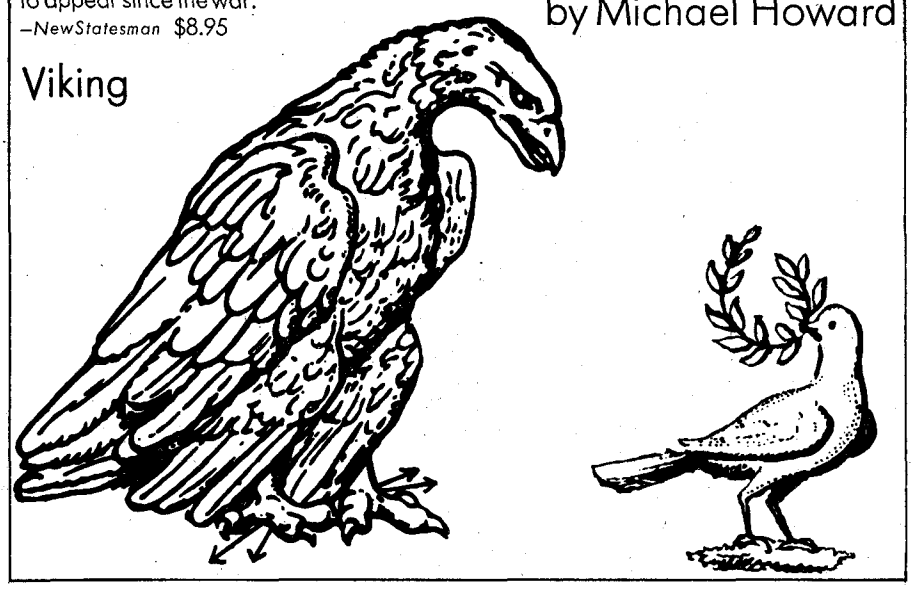

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a very wise old woman. Squatted, draped in a shawl, swaying to and fro, she mutters a long incantation about how "nothing changes from one generation to another except the things seen and the things seen make that generation, that is to say nothing changes in people from one generation to another except the way of seeing and being seen, the streets change, the way of being driven in the streets change, the buildings change, the comforts in the houses change, but the people from one generation to another do not change"—not even, it would seem, in a persistent tendency to make a verb agree with the nearest noun.

Well, since surroundings change painting had to change, isn't that obvious? And as for the direction of the change, she finds that it could not but be a *Spanish* direction, since "While other Europeans were still in the nineteenth century, Spain because of its lack of organization and America by its excess of organization were the natural founders of the twentieth century." You see how this makes an American exegete plausible too, and more than an exegete, for if "I was alone at this time in understanding him," that was "perhaps because I was expressing the same thing in literature."

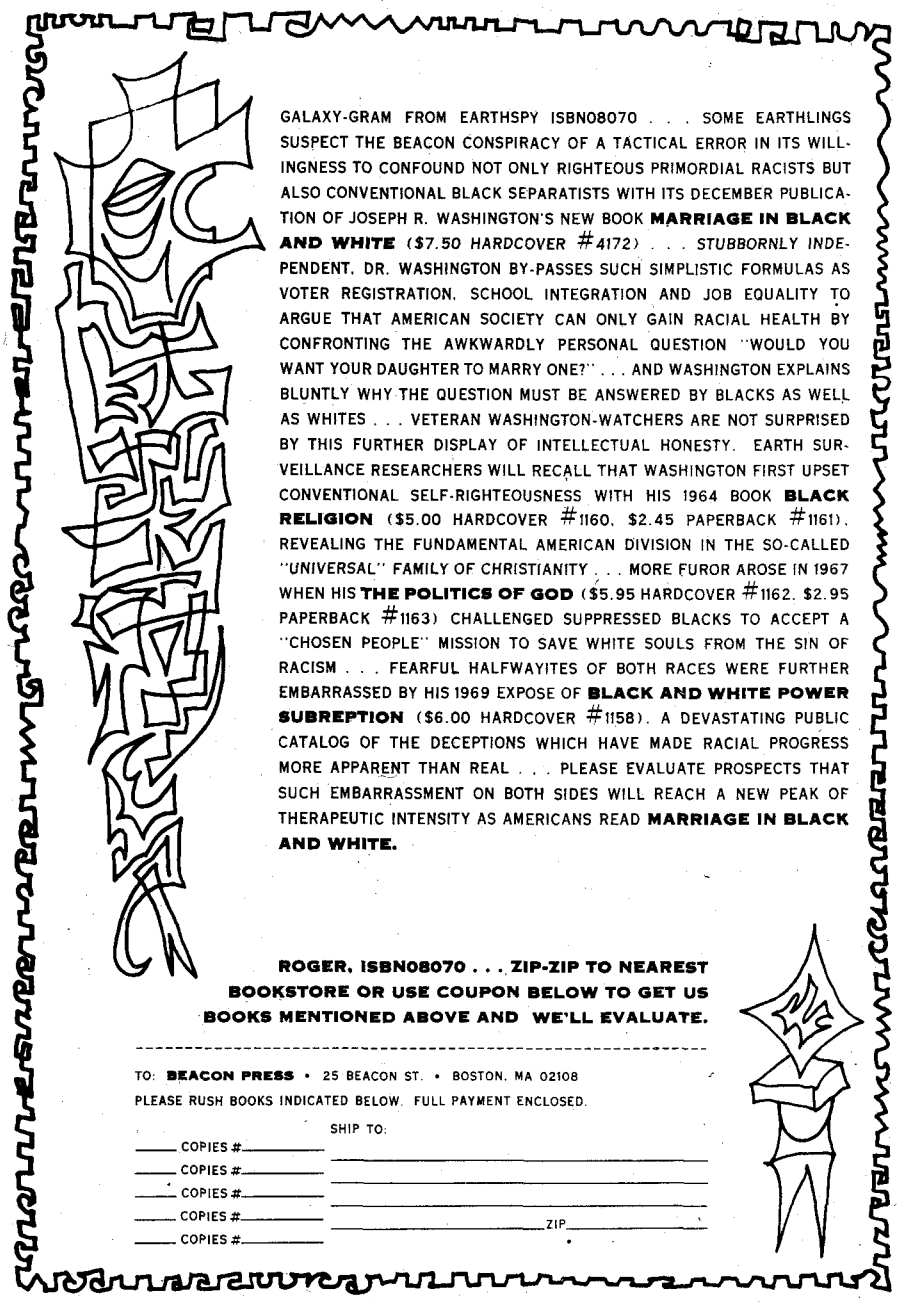
Now none of this is necessarily nonsense, but none of it makes very explicit sense either. To say that "Spain because of its lack of organization and America because of its excess of organization were the natural founders of the twentieth century" is to be *Sibylline, not to say Delphic.* The virtue of such a statement, as of an oracle, is heuristic; you may think of things you hadn't thought of in poi dering it. Sages have used this metho "The first metamorphosis of fire is t become the sea," said Herakleito "and half of the sea becomes th earth, half a flash of lightning. Without ever making sure what h meant (was he *really* talking abo bonfires and H_2O?) you could extra a whole political philosophy from th remark. "The world is all that is th case," said Wittgenstein, and lucubr tions stemming from *that* remark hav bulged thousands of seminar not books. It's an attractive way of e capsulating wisdom, to enclose th form of thought into a seed whic will program local air and local wat as they go about making a tree.

It's also an attractive way of seei ing wise. When Marshall McLuha tells us that the artist puts on th audience and the audience puts on th artist, and leaves us to weigh the pro portions of put-on and mask, he ca protest that our very "Yes but . . ." part of his intention, and even, if he' cornered, assert that he had no inter tion except to emit a "probe." Mis Stein, similarly, when she does thing like rhyme America with Spain, perhaps a 19th century Marshall M Luhan: 19th century, despite her a vertised contemporaneity, in the cur brous thoroughness with which sh lifts and touches and dusts every b of bric-à-brac in a very cluttere parlor.

"Exact resemblance to exact resem blance the exact resemblance as exa as a resemblance, exactly as resem bling, exactly resembling, exactly resemblance exactly a resemblanc exactly and resemblance. For this so. Because."

That's from *If I Told Him: A Com pleted Portrait of Picasso.* You can miss the rhythms of housekeeping. Sh has entered her mental Picasso Roon and will go out after a while (afte four pages, in fact) leaving everythin where it was but touched and tidie It's a very *tactile* manner, and if goes nowhere (except finally out) that' because there's nothing to be don with the elements except lift them u and fondle them and put them down muttering all the while.

Which is authentic Steinese and O because *sui generis.* It tells no lies an is seldom addictive. You can take or leave it, and small doses can ex hilarate. In this book it comports wit the plates. The long essay is different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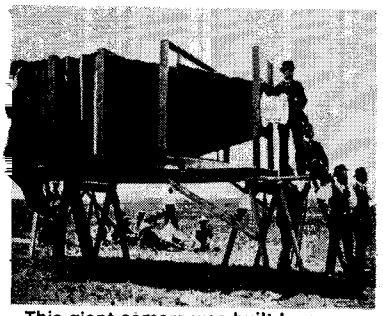

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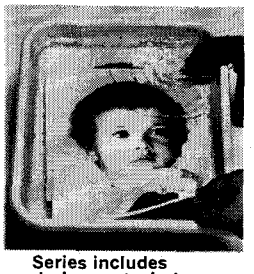

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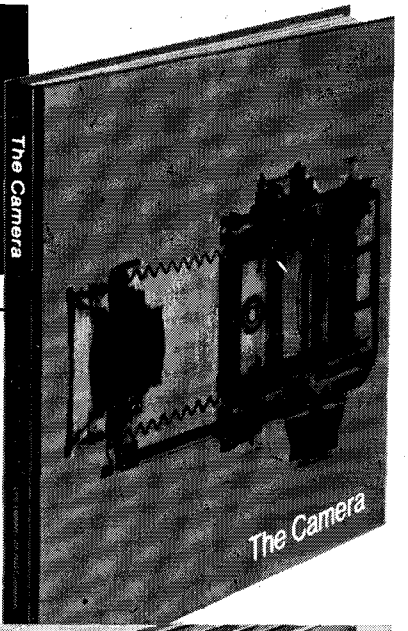

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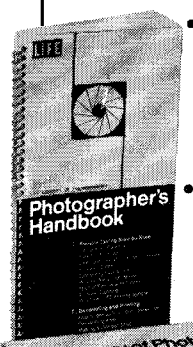

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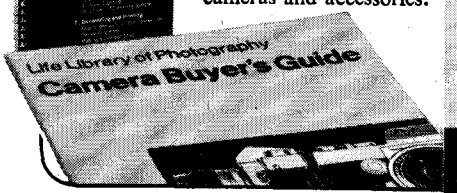

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it makes as if to inform us, but always, in the clinches, goes pseudo-Delphic. How useful this is, how catalyzing, depends on what you have in your mind already, which again is OK if you don't expect authoritative light. If you buy the book you'll have bought a chunk of history, as mute and in its way as authentic as a fossil. You'll have to decide if you want to spend $17.50. The color plates are nice.

Wayne O'Neil: This Review Is About This Book

This Book Is About Schools Edited by Satu Repo

(Pantheon: $7.95)

My seven-year-old can't walk – an accident of birth. One day a couple of years ago I carried her out the front door of our house, across the front yard, and around to the side of the house. She looked at the windows looking out at us and asked, "I wonder who lives in that house?" I said that we did, but she wouldn't believe me until I held her up to look in and she recognized the various familiar things inside. I mention this because for me it was a very dramatic example of how closely related the child's cognitive development is to its ability to get about on its own, how well integrated are the workings of the mind and the body. I know, of course, the work of my MIT colleague Richard Held with cats and kittens and humans wherein the importance of self-propelling (it's not sufficient simply to *be* propelled) for cognition emerges so clearly; it is the integrating force. But my daughter's being "lost" twenty-five feet from her own front door made it plain to me in a nonacademic way the motion required for intellectual development, for an education. Thus we can oppose the rigid, prisonlike character of schools and the attendant passive theory of pedagogy on grounds that go beyond a simple regard for physical freedom: children don't learn when they are bound and gagged. No one learns that way.

Yet that is not what I'm after here. There is little need anymore to go off on a long thing about how bad schools are. Anyone who hasn't heard by now that American schools do a remarkably good job at what they are meant to do (i.e., ensuring the maintenance of the social, political, and economic order) and that what they do is not education hasn't been paying attention. Let's look instead at some people (mostly young, interesting people) who not only talk in particular ways about what is wrong with schools but who also discuss what there is to do, what can be done, and what they are doing about it. *This Book* . . . (a selection of essays, reviews, interviews, and miscellany) from the first forty months of *This Magazine* . . .) is peopled by them. Their writing and talk is very valuable and intelligent and important – that much is immediately clear. Yet there is in this anthology an intermittent presence and a general absence, both of which disturb.

The disturbing intermittent presence is McLuhan. His essay, "Electronics & the Psychic Drop-Out," from the very beginning of *This Magazine* (Vol. 1, No. 1), is present and appears, ironically, in the section entitled "The Institutional Put-Down"; ironically, because his essay unlike the others in that section does not deal with how institutions put people down. Instead McLuhan is the institution putting people down, or (more accurately and as usual) putting them on. It is perhaps impossible for educators editing and, for the most part, writing out of Toronto to escape the influence of the "sage of Toronto." Too bad. For if nothing very much *necessarily* follow from my opening remarks about chi dren being bound and gagged, at lea the remarks require that McLuhan mixed-metaphoric, electronic talk abo the tremendous learning comin through because of circuitry and TV b set aside as nonsense. Bound an gagged you are in front of the tub TV from Madison Avenue to Sesam Street is nothing but a Skinner bo and conditioning is not the same, must insist (showing my colors), a learning. Learning involves grabbin the sense data, manipulating then and checking out your manipulation – all at once, on your feet and movin Editor Satu Repo in another essay i the book, "Watching My Childre Watching TV," certainly sees that.

Fortunately McLuhan controls an dominates only two of the book' essays, the only unreadable one Anthony Barton's "The Hard-So School," and "Soft Boxes in Har Schools." His is a vision of the "hard (e.g., Bereiter) and the "soft" (e.g Neill) schools nested together phys cally, architecturally, and pedagog cally with a "computer linking har and soft" – "a milestone in education a computer terminal in the mud Despite his approval of all the cu rently good guys (Piaget, Dewey, Hux ley, Rousseau, Lorenz, et al.) Barto finally tries to sell us the Thirtie Multi-Media Kit: 1 Dust Bowl Balla 2 German/English Newspapers, 1 x 1 Newspaper Pages, 1 Booklist, 1 Guid McLuhan says, "Education on all level has to move from packaging to prob ing." Barton, like McLuhan, ha learnt that after all the labels ar changed, there still has to be someon around to package the probes, boxin learning in anew.

Nearly everyone in the section, "Th Alternative School," understands th relationship between physical freedo and education and learning, especiall Bill Ayers in "Traveling with Chil dren & Traveling On," whose titl means just what it says; yet sever of these authors seem not to under stand the insufficiency of physica freedom by itself. (I except from thes remarks the essays on educating an teaching in mental wards, prisons, etc. I have not the relevant experienc necessary to evaluate them.) For free dom must occur around substance i order for there to be education, i order for the child to become awar

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f his right and ability and capacity o change reality. Yet what we hear rom Green Valley School in Florida, rom Pacific High School in Palo Alto, nd from Everdale School, Point Blank chool, the Baldwin Street Club, Rochlale College in and about Toronto is nearly all form, precious little of ubstance; too much about learning nvironments and not enough about hat is learnt and taught inside them. he essays have a sense of how to lo it – and that's important; but their uthors lack a sense of what to do.

They lack a sense of what to do ecause none of them has any politics. or example, Satu Repo in the Foreword says, "yet few seriously hope hat they [the four school communities that have emerged around Toronto n the past couple of years] can have significant impact on the educational ystem unless some fundamental hanges take place in the cynical and ragmented society that surrounds hem." But, see, that's putting it the vrong way around, isn't it? For an ducation operating with its eyes wide pen politically will not wait for hanges but instead seek to bring hem about. And *this* is what free educational territories can't effect. They vill remain islands of life in a sea of nisery – exactly what the ruling class vants.

George Martell ("What Can I Do Right Now?") is better. He well understands how bad things are:

> When you have to turn . . . to the efficient administration of a world's fair on an artificial island to find the emergence of some unique national soul, you're in considerable trouble.

Ie also understands that what he can lo right now is get his politics and his chool community together, all at the ame time. Meanwhile he hopes vainly, I believe) that he and his riends can keep US out of Canada ntil they get their things built.

Bill Ayers' Children's Community 'Ann Arbor) seems to engage the conomic, political, social, and educaional questions head on. Thus his onclusions and hopes are alternately appier and gloomier than the other ontributors' but at least they're not vistful:

> I mean, is it possible to have a lot of Children's Communities in this country? – and you start to throw that around. And what kind of kids will develop? and will they be able to fit into General Motors and a Ford plant? In evaluating questions like these, people may start to move, politically, at least in their heads. Because it is clear that the school system that now exists does a pretty good job of channeling people into different places, of fitting kids for the Ford factory and other kids for the executive offices, other kids for politics, and academics, whereas our system [Children's Community] doesn't do that at all. Our system has, in that sense, a lot of revolutionary implications because American society couldn't exist with a lot of Children's Communities, or said the other way, a lot of Children's Communities couldn't exist in America.

But now he's gone a-Weathermanning – and that's not the answer either.

If the central section of the book ("The Alternative School") thus leaves most of the hard questions unanswered, the first section ("Growing Up in America") reveals what there is in us and behind us that makes them so hard. Yet once again there is little or no political analysis informing these discussions of being poor, female,

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W. AVERELL HARRIMAN

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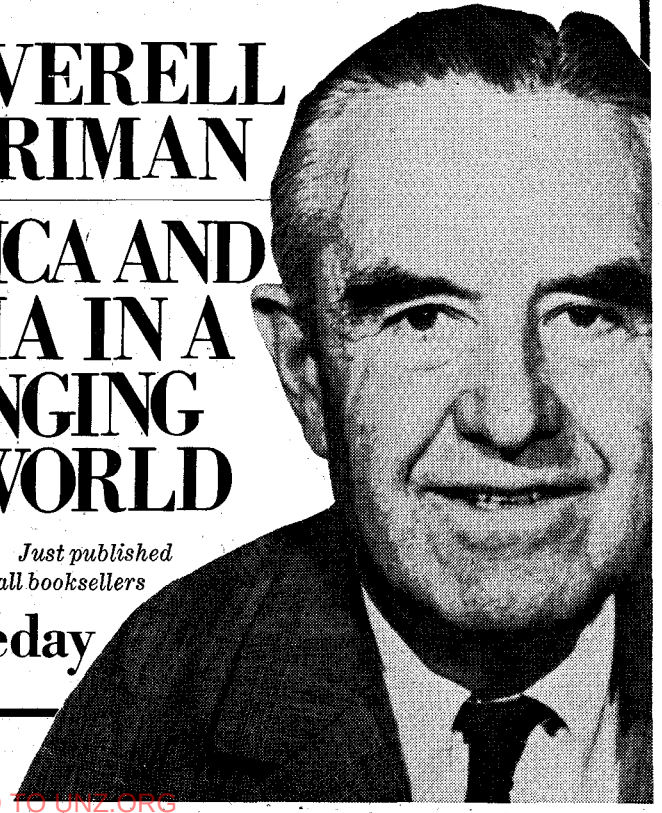

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Indian, pregnant, or a child. It is, for example, ludicrous for an American Indian to conclude:

> But maybe the future is with the Indian. Marshall McLuhan [him again] says that the only people living in the twenty-first century are the Indians, the Eskimos, some French people and the Japanese.

It's naive but at least safe for the white middle class to pin its hopes on Consciousness III. For an Indian, a Black, an Asian, it's suicidal. Besides the millennium is still thirty years away.

The last section of *This Book* is best because of Satu Repo's essay on a school of social work ("Therapy & the Powerless") and Thomas Szasz on institutional psychiatry ("The Psychiatrist: A Policeman in the Schools"). Both incisively expose these servant of humanity for what they are: prc tectors of society's institutions. Rep concentrates on the rites of passag required to get into the role of puttin down-people down further. Dr. Szas puts his finger neatly on the head-cop ever watching out for the health an welfare of their school/college/uni versity employer, ever putting th individual back together again so tha he gets out on the assembly line an into the right place on it where ther is also an institutional psychiatrist o hand to protect that place.

There's a lot here, then, in *Thi Book* and the things that I would lik to see may come yet. It's really magazine and only momentarily book, a good book, so that meanwhil we can wait and watch for and rea what could be its next, better book.

Notable

How Are Verses Made?
by Vladimir Mayakovsky

(Grossman, Cape Editions; $3.95)

"In order to write about the tenderness of love, take bus No. 7 from the Lubyansky Square to Nogin Square." The trip would be useful, Mayakovsky adds, for the purposes of comparison. One needs a shake-up to be in good writing trim.

Elsewhere he observes that factual material "must be marked at a higher price . . . than so-called poetical works." That writing verse is among the most laborious of jobs. That "a rhyme that has been hooked but not yet landed can poison one's whole existence." And that only idiots imagine an eternal poetry safe from the dialectical process.

Here is a little essay of 47 pages, written in the early days of the Soviet "experiment," of which about half is concerned with the sort of technical business in the composition of a poem that doesn't survive in translation. Yet in the remaining half Mayakovsky says some marvelous things about poetry, things that seem even more marvelous now that we in the US are faced with something of a revolution, poetic and prosaic, too.

At the heart of his 1926 gospel is, predictably, the proposition that the poet must write according to some "social command." Thus the revolution had "thrown up onto the streets th unpolished speech of the masses," an part of the social command felt b Mayakovsky was the obligation t "extract poetry from this spoken lan guage." All this sounds a little bit lik some even earlier American and Britis poetic revolutions, except for the pres ence of the Comintern. Yet the need t express the will of the people and th language of the people did not distrac Mayakovsky, as it has distracted man an American poet, from his obligation to art and system. He regarded poetr as a manufacture – "a very difficul very complex kind, but a manufacture. He reiterated the importance of keepin a notebook. He set down twelve differ ent versions of one line, with only th most delicate differences separatin each. And of course he provided als his sternly loyal 1926 view of servic to state. One can speak ironically o that service, since four years late Mayakovsky was to take his own life yet the great body of this little essay i devoted to a discussion of how Maya kovsky wrote a poem defending an other poet, Esenin, against such ironies Esenin had committed suicide an Mayakovsky thought it his obligatio to "neutralize" the death, "since toilin mankind needs all its strength to sus tain the Revolution it has begun."

The American revolutionary impuls is always to set up a howl about suc a loss as Esenin; to find the causes o the death in the state; and to proclain the riches of the solitary soul that ha

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een lost. Mayakovsky is moved in the pposite direction; his editor and trans-ıtor, G. M. Hyde, describes Mayakov-ky's purpose as an "attempt to form-ılate a new and thoroughly Socialist esthetics: to sustain the experimental nd innovatory impetus of the Futurist ıovement while rejecting its Bohemian-sm" – and there you have it.

Because we are so conscious of the normous oppressions of the Soviet tate upon literary people, we have not, ı this country, paid much attention to he literary criticism of the USSR. Even ɔ mention "socialist realism" in sophis-ıcated literary circles here is a social ıistake; yet the USSR remains perhaps he best place we have to go at the ıoment to study the most earnest is-ues of literature in a revolutionary ociety. Why run off to Zen and the Rocky Mountains?

East 100th Street, Photographs by Bruce Davidson

Harvard University Press; $25.00)

Words, even a few of them, seem tterly beside the point so far as a book ke this is concerned. Bruce Davidson s an artist who uses a camera. He is a ıaster of composition. He knows how ɔ use light and shadows. He arranges is "subject-matter" in a suggestive nd evocative manner. He senses things thers have no time or inclination to other with, and he is driven to set own before others what he senses – fter having given his ideas and unches and feelings the particular rtistic form he has learned. In a brief nd touching statement at the begin-ing of his book he tells us how for wo years he lived, spent day after day, ı New York City's East 100th Street, nd came to know its people, the poor lack and Puerto Rican men, women nd children whom we now can see, nd in a way really get to know, so owerful and unnerving are these hotographs. And an outsider indeed as to be unnerved if any real under-tanding of ghetto life is to follow. Otherwise we are all too easily able to end off the sight of hurt, saddened, onfused and desperate people, and go n to the next coffee-table book.

Yet, by no means do these photo-raphs take advantage of New York hetto people, turn them into objects – bjects of pity, objects for minds bent n the sensational, objects to be ana-yzed and labelled and categorized. We

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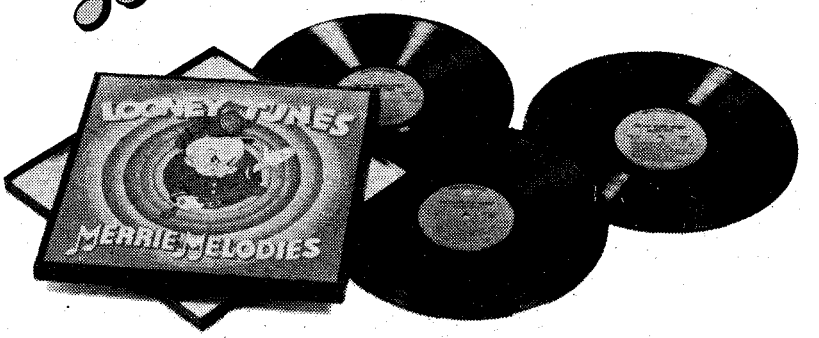

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are shown, instead, the daily effort that human beings make to get by, to find food and love and yes, a kind of meaning in the midst of ruinous social and economic circumstances. The photographer has shunned accidental reportage in favor of the poet's right to concentrate things, combine meanings, subdue distractions, sharpen what seems central and determining. In so doing he has not once shown signs of becoming a condescending handwringer, or a romantic fool. And thank God he is spared the temptations words offer – so we are confronted with James Agee's "actuality" and not political hysteria, ideological noise, or muddled phrases from one or another of our expanding social sciences.

Fenella Phizackerley by Margaret Forster

(Simon & Schuster; $6.50)

Like eating chocolates, says the simile. This picaresque tale of marriage meanders swiftly through three or four decades of heroine Fenella's life in a way that Fielding or Defoe would have admired; yet the heroine herself is a dumbbell version of Jane Austen's Emma – selfish and careless of the lives of others. Margaret Forster's earlier novels are *Georgy Girl* and *Miss Owen-Owen*. She has her craft well in hand, and manages to weave a serious moral tale out of what at first looks mostly clever and cute. If anyone can remember her name, Fenella should be with us a while.

Notes on Contributors

PETER CAWS *teaches philosophy at Hunter College;* HUGH KENNER *teaches English at the University of California at Santa Barbara; and* WAYNE O'NEIL *teaches humanities and linguistics at MIT.*

"BUT THEN *the Soviet reality is itself almost unendurable. The best stories, poems and novels cannot be published; they circulate among the writer's friends in manuscript. The best paintings cannot be exhibited, excellent films remain unseen, musicians play for small circles of intimates. And prison, labor camp and Siberia are ever-present possibilities. The atmosphere is literally Kafka.*"

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Correspondence

The New Republic welcomes communications in regard to subjects of current interest. Those of 300 words or less are most suitable for publication.

Ethiopian Friends

Sirs:

I am writing in regard to your article, "Friends and Enemies" (November 21, 1970) and particularly in regard to the United States aid to Ethiopia. You mentioned that 300 US dollars are going to support each Ethiopian soldier. As a US serviceman stationed in Ethiopia, I am exposed to what is happening here. Perhaps you and your readers would like to know how some of your money is being spent.

Let us begin with some background. There is an insurgency in Eritrea (the province of Ethiopia bordering the Red Sea), undertaken by a band of rebels who call themselves the Eritrean Liberation Front, known locally as the "Elf." They have been in operation for quite some time, for the most part engaging in sporadic raids and terrorism. Their goal is the independence of Eritrea, which was annexed by Ethiopia in 1954. "Elf" activity has been limited to attacks on the Ethiopian army and government officials. Americans stationed here have on occasion been stopped on the roads, lectured about Elf activity and subsequently released, unharmed.

During the last six months, Elf activity has become more frequent and effective. Americans must travel in two-car convoys. Roads and bridges have been blown up and whole areas of the Eritrean countryside are no-man's-land. Last November 28, the Elf ambushed and killed the commanding general of the Ethiopian army 2nd Division on the Asmara-Cheren road. This was a despicable act and I do not condone it in any way. But for sheer brutality and inhumanity, the retaliation of the 2nd Division has far overshadowed the original atrocity. According to information received from extremely reliable sources, the 2nd Division is murdering all males over 12 years old in the villages surrounding Cheren. They are committing numerous other atrocities on a wide scale – decapitation, shooting off arms and legs, mutilation of women, bayonetting children, and worse. The victims number in the hundreds. To keep Amer cans away from the carnage, the U Army rest center at Cheren has bee indefinitely closed due to "sewer r pairs."

This matter should be publicized, s that the American people know wh kind of government they are suppor ing here and for what purpose the tax dollars are spent. After all, the bought the bullets, bayonets and un forms.

(Name withheld)
Kagnew Station
Asmara, Ethiop

Black English

Sirs:

In her otherwise excellent piece, "Blac English: Why Try to Eradicate It?" (Nov. 28), Olivia Mellan wistfully put down Wayne O'Neil's suggestion tha the suburban kid be enriched with a urban dialect; a plan which migh "eradicate the language prejudice." Sh reports that "O'Neil's theory remain untested and is supported by relativel few linguists and sociologists." I can' speak for the support, but I can sa that it has been tested by my four kid and many thousand others in Berkele for the past two years with highly sat isfactory results.

Part of the reason for the success (I must admit) is that opponents of radi cal integration, seeing what was in th cards, have for years been moving ou of Berkeley to the farther suburbs o the Bay Area. What remained was predominantly liberal, professional, no over-affluent white semi-suburb passin by degrees into a liberal, sub-profes sional, semi-urban black area. Overal differences were less than in any cit of the same size known to me. So i spite of fierce arguments over the statu of a third area with a large hip revo lutionary community, the voter brought in and supported a complet busing system by which every grad from kindergarten through high schoo has basically full racial balance.

In our school system everybody get Standard English, Spanish (a quain vestige of old California), and Blac Culture. My (white) kids come hom with very interesting information abou people like Harriet Tubman and Dic Gregory whom for years I have bee trying to teach the white churche

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out. If I tick one of them off, another will say: "Ooo, told you up!" ıe child itself says: "Daddy, if you p on me any mo like that, you gon t it." The black kids that wander rough go home with equally wild ıguistic bits about the Dark Lord of ıordor and Sir Ector and the Questing ıast. So, while street people and cops ıre are further than ever from each her's sentiments, at least racially aady we have a strange and wonderful alectal symbiosis.

John Pairman Brown
Berkeley, California

irs:

is important not to lose sight of the ct that most Black Americans, like ost Mexican Americans, are linguisically handicapped; that in order to ıin their rightful share of the benefits American life they must become oficient in Standard English. This is ɔt to say that language differences ɔnstitute language inferiority, but ɔmpetence in Standard English is the ·y to success in school and the school a powerful instrument for improving ıe's life. From an educational viewɔint, it is immaterial whether Black ıglish has a linguistic integrity of its vn or whether the language of most *hicanos* is "good" Spanish. As long as ıe medium of instruction (particularly the early years) in schools is funcɔnally a "foreign language" to Blacks ıd Mexican Americans, a disastrously rge percentage of them will be ɔnsigned to failure in school. As a aching strategy, if for no other ason, provision must be made for the aching of Standard English as a cond language for what appears to be majority of Black and Mexican merican students. But the primary m must be clear – competence in andard English.

inguists must provide educators with ıore specific information on the structre and function of Black English in rder to develop intelligent bi-lingual rograms for Blacks. Embryonic biıngual education programs must be ·dically expanded to have an appreable effect on addressing the needs of lexican Americans. And, happily, ıere are hopeful signs that educators ıd others may be abandoning the ankrupt commitment to cultural hoıogeny in America.

Thomas R. Lopez, Jr.
Toledo, Ohio

Kauffmann, *from page 22*

Broadway script-supplier is not ached for, as it used to be.

At bottom there's a limited analogy with what is happening in Hollywood. Recently, we've read a lot of discontented comment about current American films, a lot of nostalgic prattle about the good old days when the studios turned out good entertainment films (which, generally speaking, is true) month after month. But there's a barrier of enormous change between then and now. World War Two happened, Hitler, Hiroshima, and Stalin; Korea and Vietnam happened; several domestic upheavals happened and are still happening – Youth, Black, Feminist. It's hard to imagine a young director aspiring to the fictitious fiction-making career of a John Ford or George Stevens, however gifted those men were; or a screen writer embarking on a life of romantic concoctions like Philip Dunne and Norman Krasna. Hollywood's reactions to social change have so far been overwhelmingly stilted and/or meretricious, and we have to hope that we are en route to some small percentage of wheat amidst the polemical chaff; but to hold up the taboo-ridden, fantasy-fed past as model is fruitless.

These social changes have had similar effects on recent generations of playwrights. The serious ones, many of them, are willing – anxious – to work elsewhere than Broadway. The others are faced with a crazy psychological-commercial paradox: in order to become a hit-producing playwright, the best thing is to have been one before you start out. The entertainment writers can't sell themselves as easily on Broadway as elsewhere. Television and films (and possibly cassettes), though hardly blooming at the moment, are relatively more healthy.

So, for the people whose lives still depend on the commercial theater – the ticket brokers, theater owners, theater-party managers, Broadway restaurateurs, all the thousands in the shadows behind the bright marquees – the health of Neil Simon is important. He is one of the last who can work comfortably for Broadway on this side of the changes mentioned above and whose future is ordained, almost metaphysically, by his past. He is the sole survivor and must be safeguarded. He's becoming the whooping crane or passenger pigeon of Broadway, and the Department of the Interior, as well as *The New York Times*, may be asked to help preserve him.

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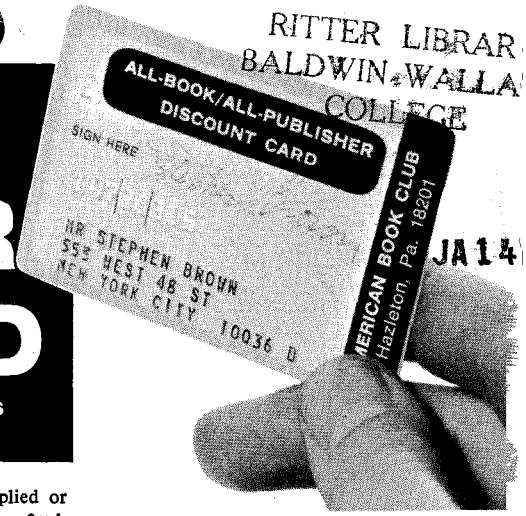

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